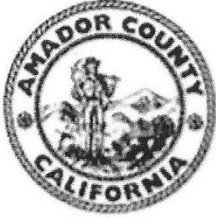


**Amador County  
Civil Grand Jury  
Final Report  
2019-2020**

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## AMADOR COUNTY CIVIL GRAND JURY

ADDRESS: P.O. Box 249, Jackson, CA 95642    EMAIL: [grandjury@amadorgov.org](mailto:grandjury@amadorgov.org)  
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August 20, 2020

The Honorable Judge Renee C. Day, Presiding Judge  
Amador County Superior Court  
500 Argonaut Lane  
Jackson, CA 95642

Your Honor,

On behalf of the 2019-20 Amador County Civil Grand Jury, I am pleased to present our final report. I have been privileged to work with an extraordinary group of volunteers representing a wide range of professional backgrounds and interests, and a large geographical spread across Amador County.

The volunteer members of this Civil Grand Jury have dedicated our one-and-a-half year term of service to investigating, researching, writing and publishing reports on topics that delve into a broad range of issues that are of interest and concern to the citizens of Amador County.

The topics for investigation were drawn from the experience of the Grand Jurors as well as an analysis of multiple public requests for investigation received during this term, and a review of unreported topics from prior Civil Grand Juries. I thank each and every one of my fellow Grand Jurors for their dedication and for the thousands of hours that jurors spent on this endeavor.

I would also like to thank Presiding Judge Renee C. Day for her wisdom, Amador County Counsel Glenn Spitzer for his advice, and Court Liaison to the Grand Jury Heather Gardella for her support.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Katrina Zapata". The signature is written in a cursive, flowing style.

Katrina Zapata, Foreperson  
Amador County Civil Grand Jury 2019-2020



Superior Court of the State of California  
County of Amador

500 Argonaut Lane • Jackson, California 95642 • (209) 257-2686

September 24, 2020

Katrina Zapata, Foreperson  
Amador County Civil Grand Jury  
P.O. Box 249  
Jackson, CA 95642

Re: Civil Grand Jury 2019-2020

Dear Foreperson Zapata, Knute Allmindinger, David Barnes, Connie Blackman, Gail Cates, Terrie Houseman, Jeff Leung, John Mangan, Meredith Marlin, Carolyn McClure, George Miller, Karen Reed, Debbie Segale, Joanne Sims, Michelle Throssel, Jeff Vandermeulen, Sharon West, Elizabeth Wratten:

Thank you, to those jurors who complete the extended term this year, and those who diligently served but were unable to complete this term. You all served above and beyond the call of duty when the rules were changed in the midst of the figurative game. You graciously agreed to extend the term of your commitment due to our inability to summon jurors and conduct interviews as regularly scheduled. You exhibited flexibility in shifting from in-person interviews and meetings to the virtual world we are now becoming accustomed to.

For those jurors who held over from last term to mentor the incoming panel, your service has been invaluable. Together you have proposed internal organizational improvements that will benefit jurors in the coming years in addition to your work on the reports.

Foreperson Zapata, your leadership during these turbulent times is appreciated. The dedication and commitment of the panel to the citizens of Amador County is evident.

Sincerely,

Renée C. Day  
Judge, Amador Superior Court



Superior Court of the State of California  
County of Amador

500 Argonaut Lane • Jackson, California 95642 • (209) 257-2686

September 24, 2020

Katrina Zapata, Foreperson  
Amador County Civil Grand Jury  
P.O. Box 249  
Jackson, CA 95642

Re: Civil Grand Jury 2019-2020

Dear Foreperson Zapata and members of the 2019-2020 Civil Grand Jury:

The Court has reviewed and approved the following reports:

**Public Works Committee Report**

**Criminal Justice Committee Reports:**

**Amador County Jail**

**California Department of Corrections and Rehabilitation—Mule Creek State Prison**

**California Department of Corrections and Rehabilitation Division of Juvenile Justice—Pine Grove Youth Conservation Camp**

**Public Safety Committee Report:**

**Amador County Fire Protection Services**

Thank you for overcoming unforeseen obstacles to produce this Final Report.

Sincerely,

  
Renee C. Day  
Judge, Amador Superior Court

J.S. Hermanson, Judge • Renée C. Day, Judge  
Dawn Harmon, Court Executive Officer

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## **MEMBERS OF THE 2019-2020 GRAND JURY**

Knute Allmindinger

David Barnes

Connie Blackman

Gail Cates

Terrie Houseman

Jeff Leung

John Mangan

Meredith Marlin

Carolyn McClure

George Miller

Karen Reed

Debbie Segale

Joanne Sims

Michelle Throssel

Jeff Vandermeulen

Sharon West

Elizabeth Wratten

Katrina Zapata

### **Acknowledgement**

The 2019-2020 Grand Jury would like to acknowledge and thank the jurors who served but were unable to complete their term.

## **FUNCTIONS OF THE GRAND JURY**

The Grand Jury, as mandated by the California Constitution, is part of the Judicial Branch and is an arm of the Court. The Civil Grand Jury has two responsibilities: to act as a civil watchdog conducting investigations and to answer citizen complaints.

The Grand Jury investigates city and county government, as well as special districts, to ensure the interests of Amador County citizens are being served. Procedures, methods and systems are reviewed and evaluated to determine if more efficient and economical programs might be employed.

The Grand Jury issues final reports that describe problems encountered and make recommendations for solutions. The affected agencies or districts must comment on these recommendations.

The Grand Jury is required to:

- Evaluate conditions of jails and detention centers within the county.

The Grand Jury is also authorized to:

- Inspect and audit county books, ensuring that public funds are properly and legally accounted for;
- Investigate and report on the performances of special districts or commissions;
- Investigate charges of willful misconduct by public officials or employees and;
- Investigate and report on “questionable business practices” of such agencies.

As part of the civil function, the Grand Jury receives letters from citizens alleging mistreatment by officials, suspicions of misconduct, or government inefficiencies. The complaints are acknowledged and reviewed to determine if they will be investigated by the Grand Jury. All complaints are kept confidential.

## **AMADOR COUNTY CITIZENS COMPLAINTS**

The Grand Jury is empowered to investigate complaints from citizens, civic groups, government employees, and others about the workings of local government or the conduct of its officers or employees. Our primary function and the most important reason for our existence is the examination of all aspects of local government, including: cities, special districts, and school districts. The Grand Jury is a guardian of public trust in local government. We exist to assure honest, efficient government in the best interests of all people.

## **CONFIDENTIALITY**

In all of our proceedings and investigations we are sworn to maintain secrecy. As a Grand Jury we apply the same objective standard of conduct and responsibility to all persons and we are charged to avoid being influenced by sentiment, conjecture, sympathy, public feelings, passion or prejudice.

## **COMPLAINT PROCESS**

While the Grand Jury will investigate complaints presented to it in any form, it is preferred this form be used whenever possible. Please identify the specific problem and describe the

circumstances. Document your complaint with all available evidence and submit copies of all available documents.

The Complaint Form may be downloaded at:

<http://www.amadorcourt.org/divisions/civil/grandjury/complaint-form.pdf>

Mail your complaint to:

AMADOR COUNTY GRAND JURY  
P.O. BOX 249  
JACKSON, CA 95642

# NOTICE TO RESPONDENTS

## Response Requirements

The legal requirements for responses to the Grand Jury findings and recommendations are contained in California Penal Code § 933.05. Each respondent should become familiar with these legal requirements and, if in doubt, should consult legal counsel before responding.

For assistance to all respondents, Penal Code § 933.05 is summarized as follows:

## Responding to Findings

The responding person or entity shall indicate one of the following:

1. The respondent agrees with the finding.
2. The respondent disagrees wholly or partially with the finding. The response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons for the disagreement.

## Reporting Action in Response to Recommendations

Recommendations by the Grand Jury require action. The responding person or entity must report action on all recommendations in one of four ways:

1. The recommendation has been implemented, including a summary of the implemented action.
2. The recommendation has not been implemented, but will be implemented in the future. This response should include a timeframe for implementation.
3. The recommendation required further analysis. The law requires a detailed explanation of the analysis or study and the timeframe not to exceed six months. In this response, the analysis or study must be submitted to the officer, director, or governing body of the agency being investigated.
4. The recommendation will not be implemented because it is not warranted, or is not reasonable, with an explanation.

# FINAL REPORT RESPONSE FORMAT

The following standard format is to be used when responding to the Grand Jury Report and is to be used by all agencies when responding:

Title of Report \_\_\_\_\_

Responding Agency \_\_\_\_\_

Response by \_\_\_\_\_  
(Governing Body, Department Head)

Finding number one:

State the finding as written in the Grand Jury Report. Include your detailed response to the finding. Attach any supporting documentation.

Recommendation number one:

State the recommendation as written in the Grand Jury report. Include your detailed response to the recommendation. Response should include progress on your planned action. Attach any supporting documentation.

Follow the same procedures for each finding and recommendation as written in the Grand Jury Report for this agency.

# **AMADOR WATER AGENCY: A BRIEF UPDATE**

## **AUTHORITY**

Under California Penal Code § 925, “the Grand Jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the County.”

## **INTRODUCTION**

Water is arguably Amador County’s most significant resource. The 2019-2020 Grand Jury chose to continue the investigation of Amador Water Agency (AWA) conducted by the 2018-2019 Grand Jury in order to:

- Determine whether steps have been taken by AWA to increase transparency to the public.
- Determine whether action has been taken to address financial concerns.
- Monitor AWA’s workplace environment and the treatment of its employees.

## **METHODOLOGY**

In the pursuit of this investigation, the Grand Jury:

- Reviewed previous Grand Jury reports,
- Interviewed current and former AWA employees,
- Reviewed information provided on AWA’s website, which included AWA’s Response to the 2018-2019 Grand Jury Report, and
- Attended AWA Board of Directors’ meetings, including committee meetings.

## **DISCUSSION**

AWA has gone through personnel changes since the previous Grand Jury began its term in July 2018. There are two new members on the Board of Directors (Board). The previous General Manager (GM) left the Agency on November 19, 2019. At the time of the writing of this report, an Interim GM is managing AWA while the Board hires a new GM. The Interim GM has proposed a reorganization, which includes implementing recommendations from the 2018-2019 Grand Jury Report.

## **TRANSPARENCY**

AWA has made strides to improve transparency to the public. Starting in July 2019, AWA began posting audio recordings of Board meetings on their website. Additionally, salary schedules for employees have been added to the “Careers” section of the website. Three years ago, AWA established a public business page on Facebook. The Facebook page is kept current with AWA business and information.

The financial information posted on AWA’s website is limited. At the time of this report, the most recent monthly report was dated March, 2020. Financial information is provided, though the format in which it is presented is difficult to interpret and understand.

## **FINANCES**

AWA continues to have financial confusion. The Grand Jury believes AWA needs sufficient funds to cover the cost of repairing or replacing key components of the infrastructure. Lack of a significant cash reserve could make it difficult to obtain grants and loans.

For the past five years, AWA has been using the Springbrook software program, but not to its full functionality. AWA has upgraded the system and has access to utilize additional modules, but employees have not been thoroughly trained. This compounds previous struggles employees have had in utilizing this software program.

AWA hired Raftelis, a financial consulting firm that has experience working with water agencies, to conduct a “Water, Wastewater and Participation Fees Cost of Service and Rate Study.”

AWA also hired an outside consultant to assist its finance staff with the development of a compatible and comprehensive budget format. AWA has implemented this new budget format, which is divided according to departments. Department managers are given the individual budget of their respective department for review and comment. The managers are consulted, and included in the budget preparation for Operations and for Capital Improvement Projects (CIP). At the writing of this report, no cohesive CIP budget had been presented to the Board. This is of considerable concern since the budget-year is more than halfway completed.

The current Board and the Interim GM are working to gain a better understanding of the financials and the budget. When complicated financial information is discussed during public meetings, Board members can ask the staff for clarification on those issues. Because AWA has suffered from financial mismanagement in the past and much of its infrastructure has deteriorated due to lack of maintenance, another rate adjustment may happen in the future.

The following recommendation was in the 2018-2019 Grand Jury Report:

*“The AWA should acquire membership in the GFOA by October 1, 2019, implement GFOA standards for compiling the CAFR and strive to be awarded the GFOA’s ‘Certificate of Achievement for Excellence in Financial Reporting’ to improve transparency in financial reporting.”*

AWA’s response to the report indicated they were not looking favorably on membership in the Government Finance Officers Association (GFOA). While this is not legally required, it could make it easier for AWA to justify future rate adjustments if it is accompanied by having this increased transparency in its financial reporting.

## **WORK ENVIRONMENT**

The following was taken from the 2018-2019 Grand Jury Report:

*“Over 80% of both past and present AWA employees described a hostile work environment. Employees described an environment where there was:*

- *Offensive, abusive, and persistent discourteous treatment of employees, characterized by degrading, demeaning, and rude remarks*
- *Credit taken for other employees’ ideas*
- *Little to no positive reinforcement*
- *Lack of confidentiality regarding employees’ issues”*

The 2019-2020 Grand Jury elected to further investigate this issue. Specifically, there was a concern regarding the possibility some employees in management may retaliate against employees suspected of giving information to the 2018-2019 Grand Jury.

Upon release of the 2018-2019 Grand Jury Report, this Grand Jury learned through several employees’ interviews, there were some at AWA who stated they were unhappy with the findings made by the Grand Jury. The possibility of retaliation against AWA employees who were perceived to have been interviewed by the Grand Jury is an ongoing concern. It was discovered during a meeting in June 2019, several employees were targeted because they were perceived to have been interviewed by the Grand Jury. Reported retaliatory actions included the possibility of employees receiving poor performance evaluations due to “bad attitude.” Additional concern was the possibility of employees receiving lower pay due to unsubstantiated lower performance evaluation scores. Employees reported statements were made by management they perceived as threats. During interviews with the Grand Jury, some employees reported the work environment had become worse.

The Board followed a recommendation in the 2018-2019 Grand Jury Report and initiated its own investigation into work environment issues. The Board retained an attorney to conduct the investigation. As a result, the Grand Jury has not been made aware of any retaliatory actions taken against employees as of the date of this report.

The Board implemented changes in the management structure. Some of those interviewed found improvements in the work environment, and expressed cautious optimism that things will continue to improve.

AWA is working on updating its administrative policy manual. The Grand Jury is not aware of what changes will be implemented.

## **FINDINGS**

- F1. AWA has taken steps to increase transparency, yet still has room for improvement.
- F2. AWA’s financial stability remains a great concern.
- F3. Employees have not been sufficiently trained on their use of the Springbrook software.

- F4. During this investigation, the Grand Jury found no retaliatory actions by AWA management to employees.
- F5. The Interim GM has begun a reorganization of AWA. The outcome and structure of the reorganization is unknown at this time.

## **RECOMMENDATIONS**

- R1. AWA should continue increasing its transparency. In addition to information being provided and accessible to the public, it should also be presented in a format the average ratepayer can easily interpret and understand. (F1)
- R2. Should AWA decide it is necessary to adjust its rates, the reasons for doing so should be clearly documented and explained. (F1, F2)
- R3. By December 31, 2020, AWA should acquire membership in the Government Finance Officers Association (GFOA) to implement their standards for compiling the Comprehensive Annual Finance Report. (F1, F2)
- R4. AWA should strive to be awarded the GFOA's "Certificate of Achievement for Excellence in Financial Reporting." (F1, F2)
- R5. By December 31, 2020, employees who use the Springbrook software should be thoroughly trained in its use. (F3)
- R6. AWA should continue fostering a positive work environment. (F4)
- R7. The position of General Manager should be filled as soon as possible. (F5)

## **REQUIRED RESPONSES**

Pursuant to California Penal Code § 933 and § 933.05, the Grand Jury requests a response from the following governing body:

Amador Water Agency Board of Directors is required to respond no later than 90 days after the Grand Jury submits a final report to Findings F1-F5 and to Recommendations R1-R7.

### **ADDRESS RESPONSE TO:**

The Presiding Judge - Amador County Superior Court  
500 Argonaut Lane  
Jackson, CA 95642

Amador County Grand Jury  
PO Box 249  
Jackson, CA 95642

# **AMADOR COUNTY JAIL**

## **AUTHORITY**

Pursuant to California Penal Code § 919, “The grand jury shall inquire into the condition and management of the public prisons within the county.”

## **SUMMARY**

The Amador County Jail, located in the City of Jackson, is operated by the Amador County Sheriff’s Office. The jail was designed in 1980, built in 1984, and by 2004 had exceeded its life expectancy. In 2005, the jail underwent a renovation that added a sobering cell, enlarged the kitchen, added administrative office space, and enlarged the laundry room. In April 2018, the central control system (inmate intercoms, CCTV system, and control panels) was upgraded. Even with these improvements, the jail is in urgent need of expansion and updating. It is overcrowded, and its use of the “sobering cell” as a conventional cell or as an observation cell for inmates is a non-compliant practice.

An expansion project proposal was approved by the Amador County Board of Supervisors on November 2, 2015. It would add two housing pods consisting of 40 additional beds and an outdoor exercise area. It was scheduled to be occupied in November 2019. Following the approval of the project, a lawsuit was filed against the County by neighboring residents in opposition to the jail’s expansion. The County prevailed and the residents filed an appeal, which is pending. Construction funding remains in place.

## **BACKGROUND**

The Amador County Jail is a Type II Facility, which is a local detention facility for adult inmates who are awaiting arraignment, being held during a trial, or serving a sentence. Prior grand juries have made findings and recommendations regarding the jail being overcrowded and outdated.

The jail is designed to house 65 male and 11 female inmates. The average daily population is 89 inmates. The inmate population on the day of the Grand Jury’s visit was 80.

Realignment in 2011 (State Assembly Bill 109) added additional strain on the jail. Inmates that would have been serving their sentence in state prison are now doing so in the county jail, which is negatively impacting the culture of the jail and exacerbating the overcrowding.

## **METHOD OF STUDY**

The Grand Jury reviewed the following documents:

- Amador County Jail Policy Manual
- State Assembly Bill 109 (The Public Safety Realignment Act)
- Amador County Jail Grievance Form and Guidelines

- Review of previous Amador County Grand Jury Reports
- Review of Board of State and Community Corrections online

Members of the 2019-2020 Grand Jury attended a three-hour briefing and tour that was conducted by Amador County Jail administrators and staff on January 30, 2020.

## BUDGET

The following information was obtained from the Fiscal Year 2019-2020 Amador County Departmental Budget Summary, line item numbers 2310 and 2311:

Employees	\$3,425,002
Services and supplies	\$704,759
County-wide cost allocation plan	\$294,922
Inmate medical	\$690,100
<b>Total Jail Budget</b>	<b>\$5,114,783</b>

## DISCUSSION

The Amador County Jail is 36 years old, overcrowded, and obsolete. Because of the overcrowding, almost none of the persons arrested for new misdemeanor crimes are detained or housed at the jail. The jail lacks adequate space to house, feed, provide time outdoors, and provide exercise. It does not have adequate classrooms to offer educational programs. Potential mold issues include water stains on the ceilings, the smell of mold in a room by the inmates' outside area, and dirty or stained black air vents.

Designed to house 76 inmates, the jail's average daily population is 89 inmates. The day before the Grand Jury conducted its inspection of the jail facility, there were 51 sentenced and 31 unsentenced inmates. If a particular inmate has to be isolated, either for their safety or that of other inmates and there are no isolation cells available, the jail's "sobering cells" (two cells specified for this purpose) are utilized. This places an additional strain on the jail's staff to appropriately house the remaining population. Sobering cells are intended for the temporary detention of intoxicated arrestees. Using sobering cells as isolation cells is a violation of California Board of State and Community Corrections Requirements.

The overcrowding also impacts overtime costs for staff. The additional inmates require additional staff to monitor and supervise them. At the time of the inspection, jail administrators advised that there were current vacancies for three correctional officers and one assistant correctional officer. The overtime budget has not exceeded the budget as it has been offset by savings from staffing vacancies. While the overtime budget is impacted by the vacancies, other

factors such as workload, inmate transports to court, and medical appointments contribute to the overtime budget. Compensated Time Off is available to staff but using it is at their discretion. The Amador County Jail is currently operating within the total annual budget. A female correctional officer is on duty at all times.

Amador County has reciprocity agreements with the jail facilities in El Dorado and Calaveras Counties which regularly allow Amador County to house overflow inmates at those facilities, the costs of which are subsidized by the State of California. Amador County uses the reciprocity services of El Dorado and Calaveras Counties more than those counties rely on Amador County.

The command personnel expressed concern over the fact that the overcrowding situation does not allow for the proper classification and isolation of "problem" inmates when they first arrive at the facility, such as those with gang affiliations or other previous associations with local inmates.

In spite of some of the working conditions the Amador County Jail's personnel may face, the Grand Jury found them to be professional and dedicated in their mission, doing their best with available resources.

## **INMATES**

Between 70 and 75% of inmates have mental health issues. Approximately 10% are homeless. A mental health therapist comes to the jail approximately once a week and crisis intervention services are available at any time. A physician is available one day a week at the jail and is on call at all times. Inmates cannot be forced to receive treatment for mental health issues nor can they be forced to accept medical treatment. Male and female inmates with addiction issues are encouraged to participate in Alcoholics Anonymous and Narcotics Anonymous programs that are facilitated in the jail. In addition, there are GED/high school curriculum completion programs available through the Amador County Office of Education.

Upon being booked into the jail, inmates are given physical examinations by a nurse. The inmates are also oriented as to rules and procedures while in custody. This information is provided in the form of videos, documents, and informational monitors located throughout the interior of the jail. Inmates are provided with two hot meals a day and a bag lunch. The inmates may eat their meals in their cells or in a dayroom inside the jail. The jail's kitchen is not equipped to prepare meals, so the inmate's meals (referred to as "cook-chill") are prepared by Aramark in Alameda County. Aramark delivers the pre-cooked meals daily to the jail, where they are reheated prior to mealtimes.

Inmates have access to medical and dental care on an as-needed basis, with dental procedures being performed by a dentist in Calaveras County. Sutter Amador Hospital is the facility used for inmates with immediate medical needs. In 2019, the jail's nurse saw 266 inmates for various non-life-threatening conditions. Approximately 128 dental visits were made in 2019.

There were no in-custody deaths or escapes in 2019. There were two suicide attempts. There were 97 inmate grievances, with one inmate authoring 19 grievances that were ultimately resolved. Most grievances were related to the food served in the jail.

## **CALIFORNIA ASSEMBLY BILL 109**

On May 23, 2011, the United States Supreme Court upheld a court order requiring the State of California to reduce its state prison population within two years to no more than 137.5% of its designed capacity. Prior to the initiative, the State's prison population had risen to roughly 180% of its designed capacity, and many prisoners had become unable to receive routine medical or mental health care. In response, the Governor and the State Legislature passed two bills, Assembly Bill 109 and Assembly Bill 117, which became law and went into effect on October 1, 2011. Under these laws, new non-violent, non-serious, and non-sexual offenders with sentences of longer than one year would be housed in county jail facilities rather than state prisons. Existing prisoners falling into those categories would not be relocated. Additionally, inmates released from such facilities would be supervised by county probation departments rather than state parole. The new laws also provided funding to the counties for the management of this increased population.

By 2014, the State had offloaded approximately 25,000 prisoners to county facilities, but was still 9,600 prisoners short of the requirements set by the Federal Court. The Court granted the State two additional years to meet its target prison population. However, the overall inmate population in the State had increased approximately 12% since the original court order was upheld. Inmates already serving sentences in California State Prisons were not released or transferred to the authority of the various counties. The mandate specified that future persons convicted of approximately 500 non-violent felonies addressed in Assembly Bill 109 would be diverted away from the state prison system and remanded to the custody of the counties.

## **CUSTODIAL STAFF**

The jail's personnel allotment is 30 persons:

- One Deputy Sheriff Captain
- One Lieutenant
- Six Correctional Officer Sergeants
- 12 Correctional Officer IIs
- Eight Correctional Officer Is
- Two Correctional Assistants

Correctional officers must complete the following training to be qualified to carry out jail responsibilities:

- CORE course - 200 hours
- PC 832 course - 40 hours
- Cultural Diversity - 8 hours
- Cognitive Disorder - 8 hours

- First Aid and CPR - 8 hours
- Standards and Training for Corrections, 24 hours annually

## **THE FACILITY**

As previously mentioned, the Amador County Jail is 36 years old. It has an aging infrastructure and a lack of programming space. The condition of the facility makes it difficult to properly classify, segregate, and house inmates. An expansion and renovation of the facility was approved in November 2015 which would add approximately 40 beds. While funding for the expansion project remains in place, basic building maintenance to the existing facility is lacking. Issues include upgrades and maintenance for painting, plumbing, and ventilation and a need for storage and kitchen space. Additionally, mattresses need to be replaced.

While the anticipated expansion of the current county jail will provide some relief to the overcrowding situation and add an additional eight to ten correctional officers, this should be considered a short-term remedy. Consideration should be given to construction of a new jail in a new location. The jail shares its location in Jackson with the Amador County Sheriff's Office. The jail is bordered by State Highway 88 on the south and Court Street on the north, with residential and commercial properties on both the east and west. This location appears to render a substantial expansion to be problematic. The search for a new location for a modern jail facility in the future should be paramount.

## **FINDINGS**

- F1. The jail is 36 years old and was designed with a 20-year lifespan intended to house 76 inmates. Periodic updates and improvements have not kept up with the jail's increasing average daily population of 89 inmates.
- F2. The jail is overcrowded and houses male and female inmates.
- F3. Four correctional staff positions are unfilled despite recruitment efforts to fill them.
- F4. Use of the sobering cell is non-compliant with BSCC regulations, but alternatives are unavailable until the expansion project can be completed.
- F5. Jail staff are professional and competent in their duties and responsibilities.

## **RECOMMENDATIONS**

- R1. Paint, repair, and/or clean the issues identified (ceiling water stain in dayroom, smell of mold, dirty or moldy air vents). (F1)
- R2. Fill vacant positions as soon as possible. (F3)
- R3. With Board of Supervisor approval, the search for an appropriate location for a new county jail facility should begin in earnest along with securing the funding for construction. (F1, F2, F4)

## **REQUEST FOR RESPONSES**

Pursuant to California Penal Code § 933 and § 933.05, the Grand Jury requests responses from the following individual within 90 days:

The Amador County Sheriff's Office is required to respond no later than 90 days after the Grand Jury submits a final report, to Findings F1 through F5 and Recommendations R1 through R3.

### **ADDRESS RESPONSES TO:**

The Presiding Judge - Amador County Superior Court  
500 Argonaut Lane  
Jackson, CA 95642

Amador County Grand Jury  
PO Box 249  
Jackson, CA 95642

# CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION MULE CREEK STATE PRISON

## AUTHORITY

Pursuant to California Penal Code § 919, “The grand jury shall inquire into the condition and management of the public prisons within the county.”

## SUMMARY

Mule Creek State Prison (MCSP) is a large town in itself, located in Ione, California, with a total population of inmates and prison staff of over 5,600 individuals. On February 5, 2020, the Amador County Grand Jury conducted an inspection of the facility and was very impressed with the professionalism of prison staff, and the cleanliness and maintenance of the entire facility. There are many activity groups and programs available to the inmates giving them the opportunity to improve many aspects of their lives. Like most large towns, MCSP does face some obstacles. In December 2017, the Central Valley Regional Water Quality Board received a complaint about contaminants entering Mule Creek from the prison.

## GLOSSARY

<b>CDCR</b>	California Department of Corrections and Rehabilitation
<b>MCIC</b>	Mule Creek Infill Complex
<b>MCSP</b>	Mule Creek State Prison
<b>OIG</b>	California State Office of the Inspector General
<b>PFL</b>	Paws For Life
<b>PIA</b>	Prison Industry Authority
<b>POOCH</b>	Prisoners Overcoming Obstacles and Creating Hope
<b>TLCAD</b>	Tender Loving Canines Assistance Dogs

## BACKGROUND

MCSP was opened in 1987. On the day of this year's inspection, the inmate population was 4,018. Total staff at MCSP is 1,672, which includes 848 peace officers, 120 support staff, 15 executive staff, 469 healthcare workers, 61 educational staff, 42 Prison Industry Authority (PIA) staff, and 117 plant operation and food service workers. MCSP houses minimum through maximum level inmates (Level I through Level IV), and is designated as a Sensitive Needs Prison. Sensitive Needs Prisons house inmates who may be at risk of threats from the general population. These inmates and may include gang dropouts, sex offenders, former law enforcement officers, and those of high notoriety.

## **METHODOLOGY**

- Online research of California Department of Corrections and Rehabilitation (CDCR) and MCSP
- Review of MCSP Information Handbook, February 2020 Revision
- Meeting with the Warden and staff for a briefing and a tour of the facility
- Review of past grand jury reports regarding MCSP

## **DISCUSSION**

### **Facility Tour**

On February 5, 2020, the Grand Jury met with the Warden and staff members, including correctional officers from the prison. After a detailed overview and answering questions from grand jury members, a tour of the facility was provided by staff, who were accommodating and informative.

When an inmate enters CDCR they are assessed, classified, and given a security level. Level I is considered a low risk where the facility primarily has open dormitories with a low security perimeter. Level II security inmates are housed in open dormitories with a secure perimeter. Level III security inmates are primarily housed in cells where there is a secure perimeter with armed coverage. Level IV is considered the highest of these classifications where inmates are housed in cell blocks; the cells are not adjacent to exterior walls with a secure perimeter of internal and external armed coverage.

MCSP consists of the Mule Creek Infill Complex (MCIC) and Mule Creek Proper. MCIC houses Level II inmates and Mule Creek Proper houses Level I, III, and IV inmates.

MCIC was completed in the Spring of 2016 and covers 60 acres. It includes Facilities D and E which house 1,546 Level II inmates. In the center of each facility, there is a large exercise yard surrounded by several buildings, including three housing dorms, facilities for dining, education, vocations, the Prison Industry Authority (PIA), and areas for religious groups to practice their beliefs.

Mule Creek Proper houses 2,296 Level III and IV inmates on Facilities A, B, and C. Each facility has an exercise yard surrounded by five housing buildings, vocational activity buildings, education buildings, a gym, and dining hall. Additionally, the minimum security yard is located adjacent to Facilities A, B, and C, housing Level I inmates.

During the tour, Grand Jurors noted the prison grounds were clean and well-maintained. Staff members appeared professional and organized, while inmates appeared neat and clean. Several interactions between staff and inmates were observed and appeared to be respectful and personable. Additionally, the Grand Jury had interactions with inmates who were cordial and polite. Inmates in their assigned facility were allowed to move about between their dorm cells, exercise yard, and vocations, etc.

## Inmate Activity Groups and Education and Rehabilitation Programs

Thirty-one activity groups and programs are available to inmates including:

- Twelve-Step Recovery Groups,
- Peer Support Groups,
- Victim Impact Programming,
- Evidence-Based Group Programming,
- Innovative Grant Programs,
- Theological Groups, and
- Collaborative Community-Based Groups.

Educational and vocational opportunities are available from Creekside Adult School and Folsom Lake College. Classes are offered spanning grade levels one through nine, college courses, and career technical training. These educational programs allow inmates the opportunity to earn a GED, an Associate of Arts degree, or a Technical Education Certification. Approximately 952 student inmates are served through Creekside's academic and college programs. These programs help inmates have a better understanding of how to reintegrate into society, get jobs, or open their own businesses upon their release.

## Prisoners Overcoming Obstacles and Creating Hope (POOCH) and Paws for Life (PFL)

A partnership between Tender Loving Canines Assistance Dogs (TLCAD) and MCSP was created in July 2016.

The POOCH program provides service dogs to individuals with autism and veterans with disabilities. Studies have shown that programs involving training dogs can reduce violent incidents in prisons, reduce recidivism, and provide incentive for rule-compliant behavior. Inmates are selected through classification and other criteria, and are assigned a specific dog for the purpose of bonding, training, and care of the animal.

PFL is a program that brings dogs from local animal shelters and assigns them to inmates who have shown improvement in attitude, have a clean drug record, and have no convictions of violent or sex crimes. The program gives inmates the opportunity to prepare dogs for adoption. The dog training includes obedience as well as socialization with civilians and other dogs.

The Grand Jury spoke with inmates participating in POOCH and PFL. The inmates seemed enthusiastic and proud to be in the programs.

## Prison Industry Authority

The PIA is a self-supporting state agency through the sale of its products and services. It does not receive annual appropriations from the California State Legislature. It has a goal of producing trained offenders who have good job skills and work habits. PIA is available statewide in approximately 34 adult correctional institutions, allowing for 5,399 positions annually.

Programs available at MCSP include:

- Meat Cutting,
- Coffee Roasting,
- Fabric Products,
- Laundry,
- General Facilities Maintenance and Repair,
- Food and Beverage Packaging, and
- Healthcare Facilities Maintenance.

Participants in the PIA program receive industry-accredited certifications that some employers require. After a tour of the Food and Beverage Packaging Building, the Grand Jury was impressed with the cleanliness, organization, and efficiency of the operation. The level of efficiency from incoming materials, packaging, storage, and shipping was notable.

## Healthcare

MCSP has a mission to improve the physical, dental, and mental health of individuals who are remanded to CDCR by providing quality healthcare. Each yard has its own medical clinic. The clinics are only open until late afternoon and inmates are only seen for routine and non-emergency medical issues. The Central Health Building is utilized for inmates in need of urgent care and where triage is completed. It also houses specialty services, records, laboratory, radiology, and pharmacy. Specialty services include podiatry, physical therapy, special radiology scans, internal medicine, and audiology. If any other specialty services are needed, inmates are taken off-site to appropriate medical clinics.

Each yard has a dental operation as well as a dental lab. There is a dentist on call 24 hours a day should dental emergencies arise outside of scheduled dental hours. MCSP completes about 1,300 dental visits monthly, which include treatments, cleanings, fillings, extractions, and limited dental prosthodontic and endodontics services. If oral surgery is needed, MCSP contracts with an oral surgeon in the community.

Over 50% of Mule Creek inmates are treated by mental health services. Mental health treatment is provided on all yards regardless of an offender's security level. An on call mental health provider is available during non-business hours, and an on-site provider is available during business hours. Ten hours of group therapy is offered to all outpatient inmates each week. In 2015, MCSP achieved certification of Administrative Segregation Enhanced Outpatient Unit. While this took place, all mental health staff were trained to provide consistent, quality treatment.

## Mule Creek Water Contamination

In December of 2017, the Central Valley Regional Water Quality Board received a complaint regarding contaminants from the MCSP entering Mule Creek. On January 4, 2018 the Water

Board conducted an inspection and collected samples of the discharge from the stormwater system and found the samples contained constituents of concern that indicated non-stormwater was entering the stormwater system. Subsequent sampling by Water Board staff and CDCR confirmed the presence of these and other constituents (e.g., volatile organic compounds, petroleum compounds, certain metals, caffeine) which confirmed non-stormwater was entering the stormwater system.

The Central Valley Regional Water Quality Board has issued enforcement letters and met with CDCR requiring them to determine the source of the non-stormwater discharges. Additionally, the Board has designated MCSP as a Regulated Small Municipal Separate Storm Sewer System (MS4), which will increase the Water Board's regulatory authority. The Water Board takes violations of the Clean Water Act seriously and is working with CDCR to mitigate the situation and ensure water quality objectives are met.

In an October 2019 report to the Central Valley Water Quality Board, CDCR stated that a site-wide stormwater investigation was completed. The investigation did not reveal any direct cross connections between the stormwater and sanitary sewer collection systems. Additionally, the analytical results provided no evidence stormwater was commingled with wastewater, sewage, or gray water. The investigation identified the non-stormwater sources to be irrigation and groundwater within the stormwater system at MCSP.

MCPS currently directs all water in the stormwater system to the on-site wastewater treatment plant except when storm events are forecasted to produce greater than 0.1 inch of rainfall in a one-hour period, or 0.3 inches of rainfall in a 24-hour period. During these events, the stormwater conveyance system at MCSP allows flow of stormwater into Mule Creek. It is not possible to redirect the volume of water resulting from these rain events without overwhelming the wastewater treatment plant. In turn, this would critically impact security infrastructure and/or flooding of both MCSP and non-state-owned adjacent property.

While the CDCR maintains the stormwater entering Mule Creek is not commingled with wastewater, sewage or gray water, there is skepticism in the surrounding community as is evident by recent articles in the *Ledger Dispatch*.

## Budget

Mule Creek State Prison employs just over 1600 employees who oversee the custody and provide medical care to over 4,000 inmates 24 hours a day, seven days a week. The annual budget for MCSP is \$292,613,767 with a breakdown as follows:

Administration	\$7,015,702
Custody	\$130,270,691
Inmate Support	\$34,963,135
Health Care	\$112,727,142
Education	\$7,338,499
Community Partnership	\$202,004
Rehabilitative Programs	\$96,594
<b>Total Annual Budget</b>	<b>\$292,613,767</b>

## FINDINGS

- F1. The staff is very professional and engaged with operations within MCSP.
- F2. There are many programs available to inmates in order to help recidivism rates decrease.
- F3. The CDCR states that their investigation shows no direct cross-connections between the stormwater and sanitary collection systems and has identified the non-stormwater sources to be irrigation and groundwater within the stormwater collection system at MCSP.

## RECOMMENDATIONS

- R1. Continue to offer the many activities, educational opportunities, and rehabilitation programs available to inmates. (F1, F2)
- R2. Consider expanding the two dog training programs, POOCH and PFL, as they greatly benefit the inmates and the citizens in the community. (F2)
- R3. Continue to monitor non-stormwater contaminants in Mule Creek to ensure contaminants are not entering the stormwater system. (F3)

## **REQUEST FOR RESPONSES**

Pursuant to California Penal Code § 933 and § 933.05, the Grand Jury requests a response from the following individual within 90 days:

Mule Creek State Prison Warden is required to respond no later than 90 days after the Grand Jury submits a final report, to Findings F1 through F3 and Recommendations R1 through R3.

### **ADDRESS RESPONSES TO:**

The Presiding Judge - Amador County Superior Court  
500 Argonaut Lane  
Jackson, CA 95642

Amador County Grand Jury  
PO Box 249  
Jackson, CA 95642

**CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND REHABILITATION  
DIVISION OF JUVENILE JUSTICE  
PINE GROVE YOUTH CONSERVATION CAMP**

**AUTHORITY**

Pursuant to California Penal Code § 919, “The grand jury shall inquire into the condition and management of the public prisons within the county.”

**SUMMARY**

On December 5, 2019, the focus of the Pine Grove Youth Conservation Camp (PGYCC) inspection by the Grand Jury was the welfare of the youth and staff, and the condition of the facility. PGYCC is the only youth camp facility of its type in California. It is operated by a partnership between the California Department of Corrections and Rehabilitation (CDCR), the Division of Juvenile Justice (DJJ), and the California Department of Forestry and Fire Protection (CAL FIRE). This program selects young offenders, known as wards, from correctional facilities managed by DJJ, houses them in a dormitory-like facility, and has programs for employment, counseling, education, and training. This program prepares the wards for reentry into society. The program is intended to instill values of continuing education, self-discipline, and personal responsibility.

**BACKGROUND**

PGYCC was built during the Great Depression of the 1930s as a Civilian Conservation Corps public-relief program for the unemployed. The California Youth Authority (previous name of DJJ), in conjunction with the California Department of Forestry (previous name of CAL FIRE), acquired the Camp in 1946. It is the oldest fire camp in continuous operation in the United States. PGYCC’s mission is to protect the public by providing fire protection to the citizens of California, performing public conservation projects, and providing youth with necessary treatment and training for their successful return to society. PGYCC and CAL FIRE share the facility. Under the supervision of CAL FIRE, wards provide a labor force in wildfire mitigation, brush clearing, and maintenance of fire trails used by the community. Additionally, wards are frequently deployed to fight fires in the local community and throughout California.

**METHOD OF STUDY**

During this investigation, the Grand Jury completed and participated in the following:

- attended a briefing conducted by the Superintendent and the Lieutenant,
- toured the facility on December 5, 2019,
- reviewed previous grand jury reports,

- viewed a digital presentation of the Program,
- interviewed staff members and wards, and
- inspected several areas of the facility, including:
  - kitchen and dining area,
  - visitors' hall,
  - classrooms,
  - library,
  - recreation and weight room,
  - medical office and treatment room,
  - dormitory and control room,
  - day room,
  - exercise and sporting fields, and
  - transportation vehicles.

#### DOCUMENTS RECEIVED

- Division of Juvenile Justice Mission Statement
- Email dated January 28, 2020 from Pine Grove Youth Conservation Camp regarding budget information
- Pine Grove Youth Conservation Camp Organization Chart
- Pine Grove Youth Conservation Camp Programs
- Digital Slide Presentation
- Program Information - Pine Grove Youth Conservation Camp
- Special Dietary Needs Procedures

## BUDGET

The Pine Grove Youth Conservation Camp's total budget for the Fiscal Year 2019-2020 is \$5,808,698 and is comprised of the following budget categories:

Facility Budget	\$5,084,113
Education Budget	\$528,382
Health Services Budget	\$196,203
<b>TOTAL BUDGET</b>	<b>\$5,808,698</b>

Personnel Services in the amount of \$3,595,506 and Operating Expenses & Equipment \$1,488,607 make up the Facility Budget.

The total projected reimbursement from CAL FIRE and other agencies is \$790,942.

If the population remains at 80, the cost to house a single youth for the fiscal year is \$72,608.

## CAMP POPULATION

The population is made up of 80 young men, ranging in age from 17 to 25. Of this population, 40% are from areas south of Fresno to California's southern border, and 60% are from north of Fresno to California's northern border.

The average stay for a ward is three years.

## PROGRAM

Wards are provided with programs and services to aid them in achieving success and becoming productive members of society. The goals of programming are to assist the youth in behavior modification by attaining personal ethics, knowledge, and self-improvement. Programs include counseling, classes, and volunteer opportunities. Individual and group counseling, substance abuse counseling, and anger management counseling are offered. Additionally, cognitive behavioral intervention programming includes impulse control, problem solving, life skills, social skills, and decision making.

Weekdays for the youth begin at 6:00 a.m. and end at 10:30 p.m. A typical day begins with breakfast and may be followed with physical training and work assignments with either the Department of Juvenile Justice or CAL FIRE.

Some youth are assigned to a DJJ work assignment. One example of this type of assignment is the Anti-Recidivism Coalition. The offender enters an 18-month-long mentoring training program. Upon successful completion of the program, the ward mentors other wards on the benefits of good behavior, citizenship, maturity, etc.

Most youth are assigned to a CAL FIRE work assignment. These youth become members of a firefighting crew consisting of 12 to 17 young men, working weekdays from 8:00 a.m. to 4:00 p.m. Under the direction of CAL FIRE, four crews are engaged in various types of conservation and community service work for federal, state, and local agencies. These projects include fuel break construction, road and highway clearance, creek clearing, grounds and facility maintenance, and several other labor-intensive endeavours. The crews are available year-round to respond to emergencies; however they are also used in flood control, search and rescue, and structure fires.

The workday is followed by four hours of school instruction, programs, and/or recreation. Weekend schedules for the youth provide recreation, outdoor activity, time in the dayroom, and visitation. Wards may be provided with a two-day, on-site visit every month for visiting with family members who have traveled long distances.

Education classes are provided for youth without a high school diploma or a GED. Youth who have attained a high school diploma or GED have the opportunity to work as a tutor for wards in education classes and also may enroll in college courses.

The youth receive leadership training and become involved in the community, such as helping to decorate areas of the community for the holidays.

## **NOTABLE MENTION**

PGYCC offers a unique program that paves the way for wards to be self-sufficient following their release. Wards have the opportunity to enroll in Sierra College's Fire Science program. Successful completion of the Fire Science Program results in receiving Firefighter Certification. This certification, along with a twelve-month period free of arrests known as an "honorable discharge," enables the ward to petition the Court to seal his juvenile criminal record. This provides the opportunity for wards to attain employment as a full-time firefighter and a fresh start upon release.

## **PLACEMENT CONSIDERATION**

The requirements for placement at PGYCC include:

- be 17 years, six months of age, though must be 18 years of age to be eligible for the fire crew assignment,
- approved by the Juvenile Justice Administration Committee,
- cleared medically and clinically at the referring institution,
- free of serious disciplinary action for the past 60 days,
- Board Hearing Categories 3-7, which refers to no less than four months and no more than 24 months until a youth's Parole Board Hearing (exemptions may be granted up to 36 months),

- Board Hearing Categories 1-2, which refers to no less than four months and no more than 24 months until youth's Parole Board Hearing (program credits may be applied to determine eligibility),
- free from psychotropic medication for a period of 120 days, and
- submission of a DNA sample must be completed.

## **PERMANENT EXCLUSIONS**

The ward must have no history of sustained juvenile court petition or criminal court conviction for the following:

- escape by force,
- arson,
- possession of an explosive device, or
- sex offense.

## **OTHER EXCLUSIONS**

- Criminal court cases with a release date after 21st birthday.
- Determined to be medically unfit for the Program.
- Board Hearing Category 1 or 2 and Undocumented Offender with a United States Immigration and Naturalization Service (INS) Hold.
- Criminal court cases with a United States INS Hold.

## **STAFF**

Staffing at PGYCC is comprised of two agencies, CAL FIRE and CDCR.

CAL FIRE has a total of twelve staff: a chief, an administrative support, a mechanic, and nine captains.

CDCR has a total of thirty-one staff: a superintendent, an assistant superintendent, two support personnel, a registered nurse, a maintenance worker/mechanic, four cooks, three teachers from the Stockton Unified School District, and 18 custodial staff including Parole Agents, Youth Correctional Counselors, and Youth Correctional Officers.

There were no assaults committed against staff by wards during the 2019 calendar year.

## **FINDINGS**

- F1. All of the questions presented by the Grand Jury were answered professionally and in detail during the preliminary briefing by the Superintendent and staff.
- F2. PGYCC produced a digital presentation explaining the function of the facility, its service to the community, and opportunities provided to wards upon successful completion of the program.
- F3. The kitchen and dining areas need repainting and ceiling tiles need replacement.
- F4. Approximately \$100,000 has been budgeted for these repairs which must be performed during the non-fire season that varies from year to year.

## **RECOMMENDATIONS**

- R1. We recommend PGYCC continue to run this unique and beneficial program for youthful offenders. [F1, F2]
- R2. We recommend the maintenance to the kitchen and dining areas take place as soon as possible and practical. [F3, F4]

## **REQUEST FOR RESPONSE**

Responses to Findings and Recommendations in this report are required by law in accordance with § 933(c) of the Penal Code.

From the Pine Grove Youth Conservation Camp Superintendent, who is required to respond no later than 90 days after the Grand Jury submits a final report, to Findings F1 through F4 and Recommendations R1 and R2.

## **ADDRESS RESPONSES TO:**

The Presiding Judge-Amador County Superior Court  
500 Argonaut Lane  
Jackson, California 95642

Amador County Grand Jury  
PO Box 249  
Jackson, CA 95642

# AMADOR COUNTY FIRE PROTECTION SERVICES

## AUTHORITY

Under California Penal Code § 925, “the Grand Jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the County.”

## SUMMARY

The 2019-2020 Amador County Grand Jury investigated the Amador County fire protection and emergency medical services (EMS), the Amador Fire Protection Authority (AFPA), and the Measure M funding for these services.

In November 2008, the Amador County voters approved Measure M, a one-half cent increase on countywide sales tax revenue specifically to improve “Fire Protection and Emergency Response Safety” in Amador County. The purpose of the measure was to enhance fire protection by helping staff fire stations, pay salaries, provide on-going training, establish incentive programs to maintain and attract first responder personnel, contribute to the insurance program, and pay the administrative costs related to implementing these directives.

In 2003, the County, cities, and fire districts joined to form the Amador Fire Protection Authority (AFPA), with a board of directors consisting of one representative from each fire district. The board is governed by a “Joint Powers Agreement” as amended in 2010 (JPA). Their primary responsibility is to develop plans to enhance fire and emergency protection services throughout the County, and plan for the eventual consolidation of the individual fire districts and fire departments in Amador County.

The Grand Jury investigation found the AFPA was not complying with the mandates defined in the JPA. The investigation also found there was a lack of coordination and that conflicts existed between various agencies affecting the efficiency and performance of fire and emergency response services within the community.

The Grand Jury found significant lapses in communication between various agencies that fueled bitterness and acrimony which may compromise the delivery of critical services to the community. Interdepartmental conflicts have diminished employee morale and created tensions that have negatively influenced the mission of fire and emergency response to the community at large.

The organizational shortcomings within the AFPA do not allow for the successful execution of their mandate. As the population in Amador County continues to grow, it is imperative the AFPA Board of Directors provides the critical leadership mandated in the JPA and develops a process for the eventual consolidation of the fire districts and departments in Amador County. This leadership will enhance the vital service provided to our community.

In the course of this report, the Grand Jury will expand on the background for our investigation, the methodologies employed, and make recommendations for improvements.

Fire protection and emergency services in the Kirkwood area are not provided by entities completely within Amador County and therefore were not a part of this investigation.

## **GLOSSARY**

<b>ACFCA</b>	Amador County Fire Chief Association
<b>AFPA</b>	Amador Fire Protection Authority
<b>AFPD</b>	Amador Fire Protection District. Provides services to the communities and surrounding areas of Amador Pines, Pioneer, Pine Grove, Pine Acres, Volcano, Martell, Drytown, Willow Springs, Fiddletown, River Pines, and the City of Plymouth.
<b>AMADOR PLAN</b>	Allows local governments to contract with CAL FIRE to provide year-round protection services throughout the “non-fire” season
<b>BOS</b>	Board of Supervisors, County of Amador
<b>BROWN ACT</b>	The Ralph M. Brown Act. Pursuant to Government Code § 54950-54963, The Brown Act requires governing board meetings to be public, open, and noticed. The board must follow an agenda and the agenda packet must be available to the public.
<b>CAD</b>	Computer Aided Dispatch
<b>CAMINO</b>	CAL FIRE’s El Dorado Unit located in Camino CA
<b>CAL FIRE</b>	California Department of Forestry and Fire Protection
<b>CFO</b>	Chief Fire Officer
<b>COVERED AREA</b>	The AFPA’s JPA definition of all territory within the members’ boundaries
<b>EMS</b>	Emergency Medical Services
<b>EMT</b>	Emergency Medical Technician
<b>IFD</b>	Ione Fire Department
<b>JFD</b>	Jackson City Fire Department
<b>JPA</b>	Joint Powers Agreement, as amended in 2010
<b>JVFPD</b>	Jackson Valley Fire Protection District
<b>LAFCO</b>	Local Agency Formation Commission
<b>LFPD</b>	Lockwood Fire Protection District
<b>MEASURE M</b>	A one-half cent sales tax for fire protection and emergency medical response services
<b>SCFPD</b>	Sutter Creek Fire Protection District

## BACKGROUND

The intense and erratic fire behavior seen in many wildland fires make suppression extremely difficult. Many factors contribute to fire danger determinations including but not limited to topography, weather, fuel loads, and fuel moisture. Combined factors can lay the groundwork for larger, hotter, and more quickly spreading fires. This community has witnessed the devastation and destruction of wildland fires as well as how quickly and unpredictable they can spread.

Wildland fires that have had a major impact on Northern California and this region over the past five years are listed below in a sample taken from CAL FIRE's website at <https://www.fire.ca.gov/>:

<b>Fire Name</b>	<b>County</b>	<b>Year</b>	<b>Acres</b>	<b>Structures Destroyed</b>	<b>Fatalities</b>
Kincade	Sonoma	2019	77,758	374	0
Camp	Butte	2018	153,336	18,804	85
Carr	Shasta and Trinity	2018	229,651	1614	3
Ranch	Colusa, Glenn, Lake, and Mendocino	2018	410,203	246	1
Butte	Amador and Calaveras	2015	70,868	877	2

Amador County is made up of a rural community with small towns, rural areas, as well as a National Forest and wilderness areas with rough terrain. The Butte Fire has shown this community firsthand how wildfires can quickly spread and become out of control. They destroy urban, residential, and commercial areas in addition to rural and wilderness areas.

The cost of fire protection is very high. A new fire engine can easily reach into the several hundred-thousand-dollar range. Many fire districts make used equipment available to other districts at a much lower cost. The equipment needed by a single firefighter can cost approximately \$2000, and some of the equipment has a limited lifespan and must be replaced frequently.

A common issue with all districts is the availability and retention of volunteer and full-time paid firefighters. In some cases, after being trained, volunteers look for opportunities to obtain full-time paid positions and some firefighters move on to larger departments with higher pay and better benefits. Training is an ongoing expense and a continuing process for fire protection districts. Staffing concerns arise at the local level as Amador County departments and districts rely on volunteers to provide complete fire services to the community. Firefighter retention is paramount in a locale that has limited funding for training and salaries. When firefighters move on to other jurisdictions, Amador County suffers.

Having sufficient fire protection services available with adequately equipped, trained, and paid staff is challenging. The fire protection departments and districts in the County, along with state and federal resources, need to work cohesively as fire emergencies arise.

### Who is LAFCO and What Do They Do?

LAFCO is an acronym for the Local Agency Formation Commission. LAFCO is a state-wide regulatory agency with county-wide jurisdiction, for the purpose of encouraging the orderly and efficient provision of municipal services. LAFCO is responsible for reviewing and approving proposed jurisdictional boundary changes, incorporation of new cities, formation of new special districts, and consolidation, mergers, and dissolution of existing districts. Additionally, they determine spheres of influence for each city and district. LAFCO's policy is to encourage orderly growth and development. LAFCO does not have direct land-use authority and may not manage or operate local agencies. LAFCO is composed of two members of the County Board of Supervisors, two members representing the Cities of Ione and Sutter Creek, and one member representing the public. The Commission has three alternates representing the County, the cities, and the public.

LAFCO establishes the boundaries of fire protection districts and departments, but they do not define the fire response maps specifying which emergency resources are dispatched to an incident.

### Difference Between a Fire Department and a Special District

Generally, a fire department is part of a city or county government and is funded through the city's or county's general fund budget, which is derived from sales, property, and other taxes. A fire district is a "special" district, usually independent of any city or county government and funded by a portion of the property taxes and a special tax assessment on properties within its district. Fire districts generally provide service to rural and unincorporated areas surrounding a city or several cities, although some provide service within city boundaries as well.

### Measure M and Ordinance 1676

Measure M created a half-cent sales tax in Amador County for fire protection and emergency medical services (EMS) when it was passed by voters in 2008. Ordinance 1676 was established in response to the Measure passing. Measure M and Ordinance 1676 contain nearly identical limitations on how the funds can be spent. Additionally, the Ordinance contains guidance on the allocation and disbursement of funds to the districts. The sales tax represents roughly half of the funding for each of the County fire districts and departments.

Each fire department and district annually receives a base allocation of \$50,000. The remaining funds are pro-rated among each entity based 50% on population and 50% on the call volume in the district's designated response area, regardless of which department responds to the call.

## Fiscal Year 2018 - 2019 Measure M Funds Allocation

District	Approximate Measure M Funds	Approximate percentage of Measure M Funds
AFPD	\$1,439,354	44.6%
City of Jackson	\$590,260	18.3%
City of Ione	\$393,159	12.2%
Sutter Creek FPD	\$363,290	11.3%
Lockwood FPD	\$158,516	4.9%
Jackson Valley FPD	\$280,517	8.7%
Total	\$3,225,099	100%

### The Amador Fire Protection Authority

In 2003, the Amador Fire Protection Authority (AFPA) was formed by a Joint Powers Agreement (JPA) with a board of directors made up of elected representatives, including Board of Supervisors and City Council members from each of the seven fire protection districts and city fire departments in the County. The AFPA is responsible for planning countywide-enhanced fire protection services. The AFPA is not to be confused with the Amador Fire Protection District (AFPD). AFPD is the largest fire protection district in the County. It was established in 1990 after approval of voters and a resolution by the Amador County Board of Supervisors. The Board of Supervisors acts as the Board of Directors for the District.

### Amador Fire Protection

This investigation has focused on the seven fire protection districts and city departments within Amador County that make up the AFPA, which are described in the table below. Some areas of Amador County are protected by the State (CAL FIRE) and there are forested areas that are federally-protected (United States Forest Service.)

**AFPA DISTRICTS AND DEPARTMENTS**

<b>District / Department</b>	<b>Area (approximate square miles)</b>	<b>Notes</b>
Amador (AFPD)	491	85% of unincorporated areas within the County.  Includes Amador Pines, Fiddletown, Pioneer, Pine Grove, Volcano, Martell, Drytown, Willow Springs, and River Pines. Services are contracted to provide fire protection to the City of Plymouth and the Jackson Rancheria.
Ione (IFD)	5	
Jackson (JFD)	4	
Jackson Valley (JVFPD)	72	
Lockwood (LFPD)	22	“Amador Plan” contract with CAL FIRE. CAL FIRE provides services year-round.
City of Plymouth	3	Contracts for services with AFPD.
Sutter Creek (SCFPD)	3	

**Proposition 172**

On November 2, 1993, California voters enacted Proposition 172, which established a permanent state-wide half-cent sales tax for support of local public safety functions in cities and counties. Eligible services include sheriffs, police, fire, county district attorneys, corrections, and ocean lifeguards. Government Code § 30056 contains “maintenance of effort” provisions concerning Proposition 172 funds requiring cities and counties to maintain funding levels to public safety functions that receive Proposition 172 funds. These provisions ensure Proposition 172 funds are spent on public safety services as defined.

The 2019-2020 Amador County Grand Jury’s investigation into the Amador County fire protection and emergency medical services was prompted by complaints submitted to the Grand Jury by Amador County residents which included dispatching response map changes in June 2019 that caused confusion among first responders and a concern for public safety. Complaints included concerns the AFPA may be in violation of mandates of the JPA. Since there were

complaints regarding map changes, the Grand Jury investigated how the changes affect Measure M allocations and distribution. The investigation focused on Measure M money distribution, the new response area map changes, and functions of the AFPA.

## **METHODOLOGY**

The Grand Jury interviewed twelve individuals. The interviewees included complainants, members of the Board of Directors of the AFPA, and some chiefs from Amador County fire districts, departments, and CAL FIRE. Members of the Amador County Board of Supervisors, Amador County fire protection staff, and Amador County LAFCO were also interviewed. Follow-up questions, verification, and document requests were completed by telephone and by email.

Grand Jury members attended several AFPA and SCFPD board meetings.

The Grand Jury reviewed the following documents and sources:

- Measure M, Half Cent Sales Tax to Support Emergency Fire and Medical Aid Services,
- Measure M Distribution Formula and Allocations,
- Ordinance 1676, The Use of Tax for Fire Protection and Emergency Response Services,
- Fire Maps Before Area 118 Implemented,
- Fire Maps After Area 118 Implemented,
- LAFCO Municipal Service Reviews for each of the fire protection districts and city fire departments,
- Amador Fire Protection Authority Joint Powers Agreement,
- audio recordings of Fire and EMS Dispatches,
- Fire and EMS Dispatch Documents,
- various meeting agendas and meeting minutes,
- *Ledger Dispatch* newspaper articles, and
- various additional documents.

## **DISCUSSION**

### **Amador Fire Protection Authority**

The Amador Fire Protection Authority (AFPA) was created and is governed by a Joint Powers Agreement (JPA). Members of the JPA are elected officials from each of the seven Amador County fire protection districts and departments. CAL FIRE is not a member of the AFPA.

- Amador Fire Protection District (AFPD)
- City of Ione (IFD)
- City of Jackson (JFD)

- Jackson Valley Fire Protection District (JVFPD)
- Lockwood Fire Protection District
- City of Plymouth
- Sutter Creek Fire Protection District (SCFPD)

The responsibility of the AFPA is “to function as the fire protection planning entity in the geographical area comprising all the Members” and to “develop consistent response plans within the Covered Area to achieve greater cost efficiency.” The JPA requires the AFPA to annually review the allocation of Measure M revenues and recommend an allocation plan to the County Board of Supervisors. Each fire district delegates a member of its governing body to serve on the AFPA Board and another member to serve as an alternate board member. Annually, the Board elects a chairperson, a vice chairperson, and a secretary. Board meetings are to be held monthly.

The JPA specifies the Board must appoint an Executive Officer who has broad powers to accomplish the AFPA goals. The JPA requires the appointed Executive Officer to develop the annual AFPA budget, resolve personnel matters, and make policy recommendations to the Board. The AFPA is also required to elect an Authority Counsel. The Amador County Treasurer acts as the AFPA Treasurer and the Amador County Auditor acts as the AFPA Auditor. AFPA functions consist of:

- planning,
- enhancing fire protection,
- consolidating districts and departments,
- pursuing funding opportunities,
- providing uniformity and consistency among districts,
- recommending Measure M funds allocation plans to the BOS, and
- reviewing annual member audits of Measure M fund expenditures.

The AFPA is not functioning as defined in the JPA. Many of its mandated duties are not being accomplished, as follows:

- The Board has not convened for regularly scheduled monthly meetings;
- The Board does not consistently post agendas and meeting minutes per the Brown Act (JPA Section 6.5c);
- There is no Executive Officer or budget (JPA Section 6.7);
- There is no Authority Counsel (JPA Section 6.8);
- The planning functions are not being accomplished (JPA Section 7);
- The AFPA does not review annually audited reports on the use of Measure M funds by each fire district (JPA Section 7.1(h));

- The AFPA has not established or maintained accounts regarding expenditures and funding (JPA Section 8.2);
- The Executive Officer has not prepared a “work plan” for the AFPA at the beginning of each calendar year, which is intended to be the basis for the AFPA budget (JPA Section 8(b)).

JPA Article 7 lists several planning functions that include developing operational and funding strategies, enhancing fire protection strategies, consolidating the members, pursuing funding, and developing response plans and allocation plans for Measure M funds. The lack of fire protection planning and enhancement has created a lack of coordination and collaboration affecting public safety. Each fire district does its own planning. The fire chiefs meet regularly to discuss issues among themselves, such as problems with the dispatching agency and response area map changes. The fire chiefs’ group is not elected or a “public agency,” and therefore is not required to comply with the Brown Act. Notices of meetings are not publicly posted. There is no formal agenda, and minutes are not kept or posted.

Subsequent to the Grand Jury beginning this investigation, it appears the AFPA has taken steps to review what is mandated and recommended by the JPA.

## Consolidation

The consolidation of fire protection districts has been a goal of the AFPA since its inception. Additionally, the JPA lists consolidation as one of the AFPA’s functions (JPA Section 7.1(b)): “Consolidate the existing network of Members to achieve greater efficiency and consistency.”

All LAFCO Municipal Services Reviews for the fire protection districts reviewed by the Grand Jury have made similar determinations, indicating consolidation would improve efficiency. According to the 2014 AFD Municipal Service Review:

“Reorganization and/or consolidation of services [...] may further improve the financial ability of AFD and other fire service providers to offer the highest level of services at the lowest possible cost to citizens. [...] Consolidation/reorganization or further functional consolidation with other fire service providers will likely offer increased opportunities for shared resources, including facilities and vehicles, as well as pooled finances to hire full time staff.”

Consolidation would eliminate duplicate resources in areas that are already well-served in overlapping boundaries. Consolidation would use combined resources and mitigate against neighboring jurisdictions competing for calls for service. For example, the Martell area already has several resources nearby, including Jackson’s fire stations, CAL FIRE-Sutter Hill, and Sutter Creek’s fire station. Additionally, there is another fire station under construction nearby. Therefore, consolidation appears to be a viable option. In theory, consolidation should decrease response times and increase resources with cost savings being an added benefit.

## Measure M Expenditures

The 2008 Measure M that was passed by voters reads as follows:

**"Measure M Amador Fire Protection and Emergency Response Safety Measure**  
Shall Amador County enact a one-half cent sales tax for fire protection and emergency medical response services, with the proceeds allocated to local fire districts as described in Ordinance 1676 (including reallocation to reflect any changes in the number of districts), to be used for paid firefighter - emergency medical response personnel to staff existing fire stations, administrative support, and volunteer insurance, training and incentive programs?"

Measure M funds provide and enhance fire protection, and improve emergency response capabilities. Additionally, it makes up roughly one-half of the fire districts' funding.

Measure M and Ordinance 1676 do not clearly delineate allowable uses of Measure M funds. The general opinion of those interviewed by the Grand Jury was that Measure M and Ordinance 1676 need to be amended to clarify this issue.

The various AFPA members interpret Measure M and Ordinance 1676 differently. The majority of those interviewed raised concerns about using funds in specific scenarios such as paying volunteer firefighters, purchasing equipment, or using funds for fire stations built after 2008. Many questioned whether Measure M could be amended, and if so, how.

## Mutual Aid Agreement

In 2006-2007, a Mutual Aid Agreement was entered into by those who agreed to assist any fire department or district needing mutual aid without associated costs. The Agreement was signed by Amador Fire Protection District, City of Ione, City of Jackson, Jackson Valley Fire Protection District, Lockwood Fire Protection District, Sutter Creek Fire Protection District, and the State of California Forestry and Fire Protection.

## Area 118 Response Map Change

Each of the fire protection districts has defined boundaries as specified by LAFCO. Fire protection and EMS services are exceptions that can extend beyond district boundaries. Most fire districts in Amador County have response areas larger than the district boundaries defined by LAFCO.

The AFPD is the largest fire district in Amador County. It covers approximately 491 square miles and includes 85% of the unincorporated areas within the County. The governing Board of Directors for the AFPD is the County Board of Supervisors.

For every emergency fire and medical call for service, the closest available engine is generally dispatched in addition to a second resource within the district's jurisdiction. Measure M funds are allocated to the district whose response area includes the dispatched location regardless of which engines are actually dispatched and respond. For example, the Martell area is in the AFPD jurisdiction, but Sutter Creek (SCFPD) and Jackson (JFD) response areas extend beyond their LAFCO district boundaries into portions of Martell. Therefore, a call for service in this Jackson response area would typically cause the closest resource (Jackson) to be dispatched and a

jurisdiction resource (AFPD) to be dispatched. The Measure M funds for the call would go to Jackson because the call for service is in the Jackson response area.

In early June 2019, AFPD requested CAL FIRE Camino change the response area dispatching maps, reducing the response areas for the Ione, Jackson, and Sutter Creek districts. In turn, the reduced response area maps decreased Measure M funds for those districts. The change created a new response area. At the time, the new “Area 118” would reclaim the Martell area and fall within AFPD’s jurisdiction. CAL FIRE Camino dispatch center began using the new maps in early June at the request of AFPD. The changes were complex. CAL FIRE also implemented additional changes to include services for the Buena Vista Casino. It took several months for CAL FIRE Camino to implement the new changes in the computer aided dispatch (CAD) system. Based on interviews conducted by the Grand Jury, the response area maps were altered without sufficient communication and consultation with the other fire departments and fire districts. When the changes occurred and “Area 118” was dispatched, the fire departments did not know which resource needed to respond, causing confusion among first responders.

After the cities voiced their frustration over the lack of involvement and input on the map changes, the members sought to abandon the June 2019 changes and revert to the previous response maps. In the months after the June 2019 change, the Fire Chiefs and the AFPA were initially advised by CAL FIRE that reverting to the previous maps was in progress; but subsequently, they were advised the changes had not yet been initiated. It took approximately six months before dispatching appeared to be relying on the pre-June 2019 configuration. Several Fire Chiefs believe additional changes were made in the dispatching system. They believe these additional changes were made without receiving notice or explanation of what specific changes were deployed.

An informal agreement among AFPA members to extend the Jackson and Sutter Creek response areas into the AFPD Martell jurisdiction resulted in a return to the use of the pre-June 2019 response maps. Those interviewed stated AFPA members informally agreed to extend these response areas (which could alter disbursement of Measure M funds) for three years, and AFPD would reclaim the areas thereafter.

## Dispatching

Amador County receives fire dispatching services from CAL FIRE Camino. CAL FIRE Camino, located in El Dorado County, handles CAL FIRE dispatching for the region in addition to several other counties.

Landline 911 calls in Amador County are received by the Amador County Sheriff’s Office Dispatch Center in Jackson. Cellular telephone 911 calls are received by the California Highway Patrol in Stockton and then routed to the Amador County Sheriff’s Office Dispatch Center. Once calls are received by the Sheriff’s Office Dispatch Center, Amador Fire and EMS calls are then forwarded to CAL FIRE Camino Emergency Command Center and are dispatched using the CAD system. This protocol for dispatching fire and EMS calls in Amador County can add delays through its several intermediate steps. In some cases, there have been delays of a couple of minutes added within the Camino system. Those interviewed repeatedly informed the Grand Jury that, when it comes to response times, “seconds matter.”

Dispatching for Amador County's fire districts is only a small portion of CAL FIRE Camino's transactions and responsibilities. There is general frustration among some of the Amador fire leadership about the lack of transparency in the Camino CAD system and the inability to make changes and adjust the system to meet local needs. There is a lack of participation and attendance at informal chiefs' meetings by CAL FIRE Camino, contributing to a lack of communication with the Amador fire leadership.

Amador County pays approximately \$250,000 per year for CAL FIRE's dispatching services. There is some interest in exploring other dispatching options, such as joining other regional systems like the new system being evaluated by El Dorado County. There are also strong opinions that the CAL FIRE Camino dispatching services should be kept in place.

### Collateral Information

Training for firefighters is an ongoing requirement that is a benefit to the public, the firefighters, and the agency. Training offered by some county fire agencies is open to other agencies within the County while other agencies do not always allow outside departments or districts to attend.

The Grand Jury was made aware of two firefighters who arrived for a class hosted by one of the local agencies and presented by the National Fire Academy. Another Fire Chief from a local agency advised the visiting firefighters they were not welcome and that they should leave. The firefighters left and did not receive the training.

Interviewees reported several instances of a Fire Chief self-dispatching on calls. Self-dispatching is when someone arrives on the scene of a call without having been officially dispatched from the call center. Generally, the senior officer at any scene takes command and firefighters take direction from a superior from another department or district. Self-dispatching disrupts the protocol for responding dispatched engines and firefighters.

Interviewees reported that, on more than one occasion, a Chief canceled an engine arriving on scene in favor of an engine from a different department that was farther away from the scene.

Interviewees reported that, in another instance, a Chief canceled an engine without first assessing the incident and confirming with paramedics whether further resources were needed. The Chief then held the door closed to prevent firefighters from entering the building.

Interviewees reported that, on one occasion, a Chief canceled the responding firefighters as they walked up to a vehicle accident scene with their medical equipment which was not already on scene.

Interviewees reported that, on another occasion, a Fire Chief self-dispatched to a call, drove the Chief's vehicle in front of the responding engine (from another department), and drove very slowly so the responding engine was delayed.

Response times are tracked by dispatch, and slower response times may cause dispatch to change resources being sent on calls.

The above scenarios are of concern for the safety of the public and they can create frustration among first responders. Additionally, some interviewees question whether the mentioned actions are carried out in an effort to direct Measure M allocations to a specific department or district.

## FINDINGS

- F1. The AFPA is not accomplishing its functions and is not complying with the JPA as follows:
- The AFPA Board failed to appoint an Executive Officer and other essential staff members. An Executive Officer is required to develop and prepare annual budgets, preliminary budgets, and work programs for the AFPA Board to review and approve. Because an Executive Officer was not appointed, these budgeting actions have not occurred. (JPA Sections 6.7(a)(1) and (5), 6.8, 6.9, and 8.0.)
  - The AFPA Board failed to perform planning functions including, but not limited to, developing operational and funding strategies to enhance fire protection coverage, consolidating AFPA member networks and department operations, and developing consistent and cost efficient response plans. (JPA Section 7.1.)
  - The AFPA Board is not holding regular monthly public meetings that comply with the Brown Act (JPA Section 6.5(a).)
  - The AFPA is not establishing and maintaining reports and accounts regarding funding sources and expenditures, and its members are not conducting required annual audits regarding the use of Measure M funds. (JPA Sections 7.1(h) and 8.2.)
- F2. Measure M and Ordinance 1676 are confusing, overly restrictive, and do not allow sufficient flexibility in the use of Measure M funds by the districts for “Fire Protection and Emergency Response Safety.” The Board of Supervisors does not have sufficient flexibility to modify the allowable uses for the funds.
- F3. The Amador Fire dispatching process is inefficient and not fully supported by all Amador Fire leadership. The protocol has several steps before actual dispatching through Camino takes place. The intermediate steps can add delays in deploying resources.
- F4. Changes AFPD made to response areas in June 2019 caused confusion in response responsibilities. The changes were not sufficiently communicated or coordinated with other districts. It was believed “Area 118” was created to reclaim response areas by AFPD from other districts so the Measure M funds would follow. The response maps returned to the previous configuration partly as a result of an unwritten “temporary 3 year” agreement between the affected districts.
- F5. New fire stations are being planned and built near existing stations, near the boundaries of districts, or in areas already well-served. Martell is an example of this occurring.
- F6. A Fire Chief routinely self-dispatches to incidents, and therefore violates protocol.
- F7. On multiple occasions, a Fire Chief canceled responding resources who would have been first to arrive in order to allow another department to respond, thereby unnecessarily adding to the response time. Not using the first-arriving engine resource is a public safety issue.
- F8. A Fire Chief slowed down an engine arrival by intentionally driving their district/department’s vehicle slowly in front of the responding engine of another district or department. Slowing down a responding engine is a public safety issue.

- F9. Amador County Fire Departments have been prevented from participating in training with other local fire departments.

## RECOMMENDATIONS

- R1. The AFPA should comply with the JPA for budgeting and staffing necessary to complete its required functions by February 1, 2021. Paid staff should be utilized to meet compliance standards of the Brown Act, and an Executive Officer needs to be hired to achieve many of the required functions of the AFPA. (F1)
- R2. The AFPA should perform oversight and planning functions throughout the covered area including consolidation. In addition, monthly meetings need to be reconvened as required by the JPA by February 1, 2021. (F1)
- R3. The AFPA should immediately comply with the Brown Act. Complete meeting schedules, agenda packets, meeting minutes, and sub-committee minutes and reports should be promptly and publicly posted. (F1)
- R4. Once the above-referenced recommendations have been completed, the AFPA should develop a system of checks and balances to enhance accountability and ensure it is meeting all responsibilities and duties as outlined in the JPA by April 1, 2021. (F1)
- R5. The Amador County Board of Supervisors should review Measure M and Ordinance 1676 with input from AFPA members, identify potential ambiguities, and determine if action is required to clarify those ambiguities, including consideration of a clarifying ballot amendment if needed. The review should occur by December 31, 2020. (F2)
- R6. The AFPA should investigate the County's current call dispatching system for fire and EMS, and explore options to improve the process or locate a new solution. Recommendations should be made by February 1, 2021. (F3)
- R7. The AFPA should immediately ensure any changes to response area maps be communicated, well-understood, and publicly documented with district and department input prior to implementation. (F4)
- R8. The AFPA's county-wide planning of fire stations should include locations in areas of greatest need, where fire protection coverage can be maximized and response times reduced. Opportunities to reduce costs by co-locating or consolidating utilizing the Amador Plan should be considered. This should be accomplished by February 1, 2021. (F5)
- R9. The AFPA should immediately ensure routine, intentional self-dispatching comes to an end as it violates established dispatching protocols and endangers public safety. (F6)
- R10. The AFPA should enforce established protocol and immediately ensure the first arriving dispatched responders and/or engines should be utilized, and reprimand any Chief who is reported as intentionally slowing down a responding engine. (F7, F8)
- R11. Consistent with the JPA's spirit of cooperation, the AFPA should ensure all Amador County Fire Departments and Districts collaborate and cooperate to allow training opportunities among firefighters to the greatest extent possible. This should be implemented by January 1, 2021. (F9)

## REQUIRED RESPONSES

Pursuant to California Penal Code § 933 and § 933.05, the Grand Jury requests responses from the following within 90 days:

- Amador Fire Protection Authority is required to respond no later than 90 days after the Grand Jury submits a Final Report to Findings F1-F9 and to Recommendations R1-R4, R6-R11.
- Amador County Board of Supervisors is required to respond no later than 90 days after the Grand Jury submits a Final Report to Findings F2 and to Recommendation R5.

## ADDRESS RESPONSES TO:

The Presiding Judge - Amador County Superior Court  
500 Argonaut Lane  
Jackson, CA 95642

Amador County Grand Jury  
PO Box 249  
Jackson, CA 95642

*Reports issued by the Grand Jury do not identify individuals interviewed. California Penal Code § 929 requires reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.*

## APPENDIX A

### MEASURE M

OFFICIAL BALLOT - CONSOLIDATED GENERAL ELECTION  
 3RD CONGRESSIONAL 1ST SENATE 10TH ASSEMBLY DISTRICTS  
 AMADOR COUNTY, TUESDAY, NOVEMBER 4, 2008

BT: 2

Amador County	State of California	County, November 4, 2008
<b>INSTRUCTIONS TO VOTERS</b>  <b>USE A BLACK PEN ONLY</b>  To vote, completely fill in the oval ( ) next to your choice. Do not vote for more than the authorized number of candidates. To vote for a qualified write-in candidate, write the person's name on the blank line provided for that purpose and completely fill in the oval. An distinguishing mark or initials are forbidden and make the ballot void. If you make a mistake marking your ballot, return it to the Election Official and a replacement ballot will be issued.	<b>STATE SENATOR 1ST DISTRICT</b> Vote for ONE  <input type="radio"/> ANSELMO A. CHAVEZ Democrat  <input type="radio"/> DAVE COX Businessman / Senator Republican  Write-in, if any: _____	<b>CITY</b>  <b>CITY OF JACKSON</b> <b>MEMBER OF CITY COUNCIL</b> Vote for not more than THREE  <input type="radio"/> KEITH SWEET Public Works Superintendent  <input type="radio"/> JUDY JEBIAN Retired  <input type="radio"/> MARILYN L. LEWIS Retail Business Owner  <input type="radio"/> WAYNE GARIBOLDI Businessman  <input type="radio"/> ALFRED A. NUNES Accountant  <input type="radio"/> DAVE BUTOW Retired  Write-in, if any: _____ Write-in, if any: _____ Write-in, if any: _____
	<b>PRESIDENT AND VICE PRESIDENT</b> Vote for ONE PARTY  <input type="radio"/> RALPH NADEAU for President Peace and Freedom  <input type="radio"/> MATT GONZALEZ for Vice President  <input type="radio"/> BARACK OBAMA for President Democratic  <input type="radio"/> JOE BIDEN for Vice President  <input type="radio"/> BOB BARR for President Republican  <input type="radio"/> WAYNE A. ROOT for Vice President  <input type="radio"/> JOHN MCCAIN for President Republican  <input type="radio"/> SARAH PALIN for Vice President  <input type="radio"/> CYNTHIA MCKONNEY for President Green  <input type="radio"/> ROSA CLEMENTE for Vice President  <input type="radio"/> ALAN KEYES for President American Independent  <input type="radio"/> WILEY S. DRAKE, SR. for Vice President  Write-in, if any: _____	<b>MEMBER OF THE STATE ASSEMBLY 10TH DISTRICT</b> Vote for ONE  <input type="radio"/> JANICE H. BONBER Independent Business Woman Libertarian  <input type="radio"/> JACK SIEGLOCK Local Independent Businessman Republican  <input type="radio"/> ALYSON L. HUBER Business Attorney Democratic  Write-in, if any: _____
<b>UNITED STATES REPRESENTATIVE 3RD DISTRICT</b> Vote for ONE  <input type="radio"/> DAN LUYGREN U.S. Representative, Illinois Republican  <input type="radio"/> BILL DURSTON Emergency Physician Democrat  <input type="radio"/> ORIA J. PAOLLA Health Care Consultant Peace and Freedom  <input type="radio"/> DOUGLAS ARTHUR TUMA Retired Civil Engineer Socialist  Write-in, if any: _____	<b>SCHOOL</b>  <b>AMADOR COUNTY UNIFIED SCHOOL DISTRICT</b> (Former One-Middle Unified School District) <b>GOVERNING BOARD MEMBER</b> Vote for not more than THREE  <input type="radio"/> JANELLE F. REDKEY County Board Attorney  <input type="radio"/> MARY WALSER Insurance  <input type="radio"/> PAUL "PJ" KARHAZE Insurance  <input type="radio"/> WALLY UPPER Retired College President  Write-in, if any: _____ Write-in, if any: _____ Write-in, if any: _____	<b>MEASURES SUBMITTED TO THE VOTERS</b>  <b>COUNTY</b>  <b>MEASURE M</b> <b>AMADOR FIRE PROTECTION AND EMERGENCY RESPONSE SAFETY MEASURE</b> Shall Amador County enact a one-half cent sales tax for fire protection and emergency medical response services, with the proceeds allocated to local fire districts as described in Ordinance No. 1878 (including reevaluation to reflect any changes in the number of districts), to be used for paid fire fighter emergency medical response personnel to staff existing fire stations, administrative support, and volunteer fire-related training and incentive programs?  <input type="radio"/> YES  <input type="radio"/> NO
<b>CONTINUE VOTING IN NEXT COLUMN</b>	<b>CONTINUE VOTING IN NEXT COLUMN</b>	<b>CONTINUE VOTING ON THE BACK OF THE BALLOT</b>

VOTE BOTH SIDES

OFFICIAL BALLOT - CONSOLIDATED GENERAL ELECTION

AMADOR COUNTY - TUESDAY, NOVEMBER 4, 2008

BT: 2

THIS BALLOT STUB SHALL BE REMOVED AND RETAINED BY THE VOTER

I HAVE VOTED - HAVE YOU?

OFFICIAL BALLOT - CONSOLIDATED GENERAL ELECTION

AMADOR COUNTY - TUESDAY, NOVEMBER 4, 2008

BT: 2

JK

ORDINANCE NO. 1676

AN ORDINANCE OF THE COUNTY OF AMADOR IMPOSING A TRANSACTIONS AND USE TAX FOR FIRE PROTECTION AND EMERGENCY RESPONSE SERVICES TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION, AND ADDING CHAPTER 3.14 TO THE AMADOR COUNTY CODE

The Board of Supervisors of the County of Amador, State of California does ordain as follows:

SECTION 1 The Amador County Code is hereby amended by the addition of Chapter 3.14, which shall read as follows:

3.14.010. Title and Effect. This chapter shall be known as the County of Amador Fire Protection and Emergency Response Services Transactions and Use Tax Ordinance. The County of Amador hereinafter shall be called "County." This chapter shall be applicable in the incorporated and unincorporated territory of the County. This chapter shall complement, and not replace or supersede, the County's existing sales and use tax, as such tax is described in Chapter 3.12 of this code.

3.14.020. Operative Date. "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this chapter, the date of such adoption being as set forth below. If this chapter is approved by the voters at the November 2008 election, the Operative Date shall be April 1, 2009.

3.14.030. Purpose. This chapter is adopted to achieve the following, among other purposes, and the Board of Supervisors directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.5 of Part 1.7 of Division 2 which authorizes the County to adopt this chapter, which shall be operative if two-thirds of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose. The tax imposed by this Chapter, to be known as the "Fire Protection and Emergency Response Services Tax," shall be applicable in the incorporated and unincorporated territory of the County and is a special tax for the purpose of funding fire protection and emergency response services in accordance with the Expenditure Plan set forth in this Chapter.

B. To adopt a retail transactions and use tax chapter that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax chapter that imposes a tax and provides a measure therefor that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax chapter that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this chapter.

3.14.040 Expenditure Plan. The proceeds of the Fire Protection and Emergency Response Services Tax will be spent on one or more of the activities set forth in this Section 3.14.040. This Expenditure Plan is established for the purpose of establishing a countywide fire protection and emergency medical services (EMS) response system that supports the volunteer base of existing fire districts and agencies by providing funds for the following activities:

A. Payment of salaries, benefits and administrative support for paid fire fighter-emergency medical response personnel to staff existing fire stations; and

B. Support, maintenance and enhancement of volunteer fire fighter-emergency response service personnel by funding volunteer insurance, training and incentive programs.

Each fire department or district will be responsible for its annual budget and associated implementation strategies within the limitations of the Expenditure Plan. The Amador Fire Protection Authority (AFPA) will review the proposed annual allocation of proceeds to each department or district for recommendation to the Board of Supervisors, which proceeds shall be allocated in accordance with Section 3.14.050.

3.14.050 Allocation of Proceeds. The proceeds of the Fire Protection and Emergency Response Services Tax will be allocated to each fire department or district (Amador Fire Protection District, Lone Fire Department, Jackson Fire Department, Jackson Valley Fire District, Lockwood Fire District, Plymouth Fire Department, Sutter Creek Fire District) based on the following criteria:

A. Each fire department or district in the County will receive a base allocation of \$50,000 annually.

B. The remaining funds will be prorated among each entity based on the total population and call volume, verified annually as of July 1 of each year.

The Board of Supervisors may amend this section 3.14.050 to reflect a change in the number of fire departments or districts within the County.

3.14.060. Contract With State. Prior to the operative date, the County shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax chapter; provided, that if the County shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

3.14.070. Transactions Tax Rate. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated and unincorporated territory of the County at the rate of .50% of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this chapter.

3.14.080. Place Of Sale. For the purposes of this chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

3.14.090 Use Tax Rate. An excise tax is hereby imposed on the storage, use or other consumption in the County of tangible personal property purchased from any retailer on and after the operative date of this chapter for storage, use or other consumption in said territory at the rate of .50% of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

3.14.100. Adoption Of Provisions Of State Law. Except as otherwise provided in this chapter and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this chapter as though fully set forth herein.

3.14.110. Limitations On Adoption Of State Law And Collection Of Use Taxes. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this County shall be substituted therefor. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California;



ok

2. The result of that substitution would require action to be taken by or against this County or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this chapter.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

D. The word "County" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

3.14.120. Permit Not Required. If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this chapter.

3.14.130. Exemptions And Exclusions.

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the County in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the County which is shipped to a point outside the County, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the County shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-County address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-County and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this chapter.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this chapter.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this chapter, the storage, use or other consumption in this County of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax chapter.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this chapter.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this chapter.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the County shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the County or participates within the County in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the County or through any representative, agent, canvasser, solicitor, subsidiary, or person in the County under the authority of the retailer.

7. "A retailer engaged in business in the County" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the County.

D. Any person subject to use tax under this chapter may credit against that tax any transactions tax or reimbursement for transactions tax paid to a County imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

3.14.140. Amendments. All amendments subsequent to the effective date of this chapter to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this chapter, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this chapter.



3.14.150. Enjoining Collection Forbidden. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the County, or against any officer of the State or the County, to prevent or enjoin the collection under this chapter, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected."

SECTION 2. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 3. This ordinance relates to the levying and collecting of the Fire Protection and Emergency Response Services Tax and, if adopted by the voters, shall take effect ten days after the vote is declared by the legislative body, pursuant to the provisions of Elections Code sections 9217 and 15400.

The foregoing ordinance was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the 24<sup>th</sup> day of June 2008 by the following vote:

AYES: Richard M. Forster, Theodore Novelli,  
Louis D. Boilano, Rich F. Escamilla,  
and Brian Onoto

NOES: None

ABSENT: None

s/ Richard M. Forster  
Chairman, Board of Supervisors

ATTEST:

JENNIFER BURNS, Clerk of the  
Board of Supervisors, Amador County, California

s/ Jennifer Burns

**IMPARTIAL ANALYSIS OF MEASURE M,  
"AMADOR FIRE PROTECTION AND EMERGENCY  
RESPONSE SAFETY MEASURE"**

The Amador Fire Protection and Emergency Response Safety Measure proposes to raise revenue for the purpose of funding fire protection and emergency services response personnel by imposing a ½-cent sales (transactions and use) tax and approving Ordinance No. 1676 adopted by the Board of Supervisors. The tax would be paid in addition to current state and local sales taxes, and would be collected at the same time and in the same manner as existing sales taxes.

This tax will be effective only if Ordinance No. 1676 is approved by a two-thirds majority of the qualified voters voting on Measure M. If approved by the voters, the sales tax will become effective on April 1, 2009. The tax will be imposed throughout Amador County, including each city and the unincorporated area.

Measure M is a tax for specific purposes, which means that the proceeds received from the tax can be used only for the specific purposes in the ordinance. Under the ordinance, proceeds will be used for payment of salaries, benefits and administrative support for paid fire fighter-emergency medical response personnel at existing fire stations, as well as volunteer insurance, training and incentive programs. The proceeds will be divided among Amador Fire Protection District, Lone Fire Department, Jackson Fire Department, Jackson Valley Fire District, Lockwood Fire District, Plymouth Fire Department, and Sutter Creek Fire District according to a formula described in the ordinance. The Board of Supervisors may amend the ordinance if there is an increase or decrease in the number of fire districts and departments in the County.

This special tax will be permanent. It will be collected until it is repealed by the voters.

s/ Martha Jeanne Shaver  
County Counsel

**FISCAL ANALYSIS BY COUNTY AUDITOR-CONTROLLER  
AMADOR COUNTY MEASURE M**

Amador County will impose a ½ cent fire protection and emergency medical response services transaction and use tax if approved by the voters on November 4, 2008 and will take effect beginning April 1, 2009. The revenues raised will be approximately \$2,400,000 for the fiscal year 2009-10 for fire protection and emergency medical response services.

s/ Joe Lowe  
Amador County Auditor-Controller

**ARGUMENT IN FAVOR OF MEASURE M**

Measure M will help save lives and keep families safe.

All communities in Amador County rely largely on volunteers to fight fires and respond to emergencies. Measure M will provide necessary funding for paid fire/emergency medical personnel to improve these emergency services.

Measure M will provide funding for personnel to allow for 24/7 coverage in existing fire stations across our county. These emergency responders will help our volunteer firefighters, no matter the time or day of the week.

Last year, our dedicated volunteers responded to over 3,800 calls for help. It has become increasingly difficult for those volunteers to sacrifice time away from their job and families to help our community. Our volunteer firefighters need our help.

That's why we need Measure M.

Measure M will approve a ½ cent increase in our local sales tax to enable our county to support our volunteers with paid firefighters. For every ten dollars spent on goods in Amador County, only 5 cents will be spent to pay for fire protection – a small price to pay to keep our families safe.

Vote Yes on Measure M to ensure that the many visitors and tourists to Amador pay a share in providing fire and emergency medical services in the County.

The challenge we face as a community is what to do if an emergency occurs and we don't have enough volunteer firefighters close by to deal with a life threatening situation. Measure M is the right solution.

Please join local fire and law enforcement leaders, teachers, and small business owners from across Amador County and vote Yes on Measure M. The peace of mind that comes with knowing a fire department will be available to save a house or a life or both is more than worth the price.

s/ Charles "Bulch" Martin, Fire Chief, Sutter Creek FPD

s/ Alan C. Lennox, President, American Legion Ambulance

s/ Ray Blankenheim, Battalion Chief (Pine Grove and East)  
Amador Fire District

s/ Lee Ard, Vice Mayor Lone

s/ Paul Molinelli, Jr., Business owner;  
Past Pres. Chamber of Commerce

**NO ARGUMENT AGAINST THIS MEASURE  
WAS SUBMITTED**



APPENDIX B

**ORDINANCE 1767**

**ORDINANCE NO.1676**

**AN ORDINANCE OF THE COUNTY OF AMADOR  
IMPOSING A TRANSACTIONS AND USE TAX FOR  
FIRE PROTECTION AND EMERGENCY RESPONSE SERVICES  
TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION,  
AND ADDING CHAPTER 3.14 TO THE AMADOR COUNTY CODE**

The Board of Supervisors of the County of Amador, State of California does ordain as follows:

SECTION 1. The Amador County Code is hereby amended by the addition of Chapter 3.14, which shall read as follows:

“3.14.010. Title and Effect. This chapter shall be known as the County of Amador Fire Protection and Emergency Response Services Transactions and Use Tax Ordinance. The County of Amador hereinafter shall be called “County.” This chapter shall be applicable in the incorporated and unincorporated territory of the County. This chapter shall complement, and not replace or supersede, the County’s existing sales and use tax, as such tax is described in Chapter 3.12 of this code.

3.14.020. Operative Date. “Operative Date” means the first day of the first calendar quarter commencing more than 110 days after the adoption of this chapter, the date of such adoption being as set forth below. If this chapter is approved by the voters at the November 2008 election, the Operative Date shall be April 1, 2009.

3.14.030. Purpose. This chapter is adopted to achieve the following, among other purposes, and the Board of Supervisors directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.5 of Part 1.7 of Division 2 which authorizes the County to adopt this chapter, which shall be operative if two-thirds of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose. The tax imposed by this Chapter, to be known as the “Fire Protection and Emergency Response Services Tax,” shall be applicable in the incorporated and unincorporated territory of the County and is a special tax for the purpose of funding fire protection and emergency response services in accordance with the Expenditure Plan set forth in this Chapter.

B. To adopt a retail transactions and use tax chapter that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are

not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax chapter that imposes a tax and provides a measure therefor that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax chapter that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this chapter.

3.14.040 Expenditure Plan. The proceeds of the Fire Protection and Emergency Response Services Tax will be spent on one or more of the activities set forth in this Section 3.14.040. This Expenditure Plan is established for the purpose of establishing a countywide fire protection and emergency medical services (EMS) response system that supports the volunteer base of existing fire districts and agencies by providing funds for the following activities:

A. Payment of salaries, benefits and administrative support for paid fire fighter-emergency medical response personnel to staff existing fire stations ; and

B. Support, maintenance and enhancement of volunteer fire fighter-emergency response service personnel by funding volunteer insurance, training and incentive programs.

Each fire department or district will be responsible for its annual budget and associated implementation strategies within the limitations of the Expenditure Plan. The Amador Fire Protection Authority (AFPA) will review the proposed annual allocation of proceeds to each department or district for recommendation to the Board of Supervisors, which proceeds shall be allocated in accordance with Section 3.14.050.

3.14.050 Allocation of Proceeds. The proceeds of the Fire Protection and Emergency Response Services Tax will be allocated to each fire department or district (Amador Fire Protection District, Ione Fire Department, Jackson Fire Department, Jackson Valley Fire District, Lockwood Fire District, Plymouth Fire Department, Sutter Creek Fire District) based on the following criteria:

A. Each fire department or district in the County will receive a base allocation of \$50,000 annually.

B. The remaining funds will be prorated among each entity based on the total population and call volume, verified annually as of July 1 of each year.

The Board of Supervisors may amend this section 3.14.050 to reflect a change in the number of fire departments or districts within the County.

3.14.060. Contract With State. Prior to the operative date, the County shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax chapter; provided, that if the County shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

3.14.070. Transactions Tax Rate. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated and unincorporated territory of the County at the rate of .50% of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this chapter.

3.14.080. Place Of Sale. For the purposes of this chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

3.14.090. Use Tax Rate. An excise tax is hereby imposed on the storage, use or other consumption in the County of tangible personal property purchased from any retailer on and after the operative date of this chapter for storage, use or other consumption in said territory at the rate of .50% of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

3.14.100. Adoption Of Provisions Of State Law. Except as otherwise provided in this chapter and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this chapter as though fully set forth herein.

3.14.110. Limitations On Adoption Of State Law And Collection Of Use Taxes. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this County shall be substituted therefor. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this County or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this chapter.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "County" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

3.14.120. Permit Not Required. If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this chapter.

3.14.130. Exemptions And Exclusions.

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the County in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the County which is shipped to a point outside the County, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the County shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-County address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-County and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this chapter.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this chapter.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this chapter, the storage, use or other consumption in this County of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax chapter.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this chapter.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this chapter.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the County shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the County or participates within the County in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the County or through any representative, agent, canvasser, solicitor, subsidiary, or person in the County under the authority of the retailer.

7. "A retailer engaged in business in the County" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the County.

D. Any person subject to use tax under this chapter may credit against that tax any transactions tax or reimbursement for transactions tax paid to a County imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

3.14.140. Amendments. All amendments subsequent to the effective date of this chapter to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this chapter, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this chapter.

3.14.150. Enjoining Collection Forbidden. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the County, or against any officer of the State or the County, to prevent or enjoin the collection under this chapter, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected."

SECTION 2. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 3. This ordinance relates to the levying and collecting of the Fire Protection and Emergency Response Services Tax and, if adopted by the voters, shall take effect ten days after the vote is declared by the legislative body, pursuant to the provisions of Elections Code sections 9217 and 15400.

The foregoing ordinance was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the 24th day of June 2008 by the following vote:

AYES: Richard M. Forster, Theodore Novelli, Louis D. Boitano, Rich F. Escamilla, , and Brian Oneto


NOES: None

ABSENT: None

  
Chairman, Board of Supervisors

ATTEST:

JENNIFER BURNS, Clerk of the  
Board of Supervisors, Amador County,  
California

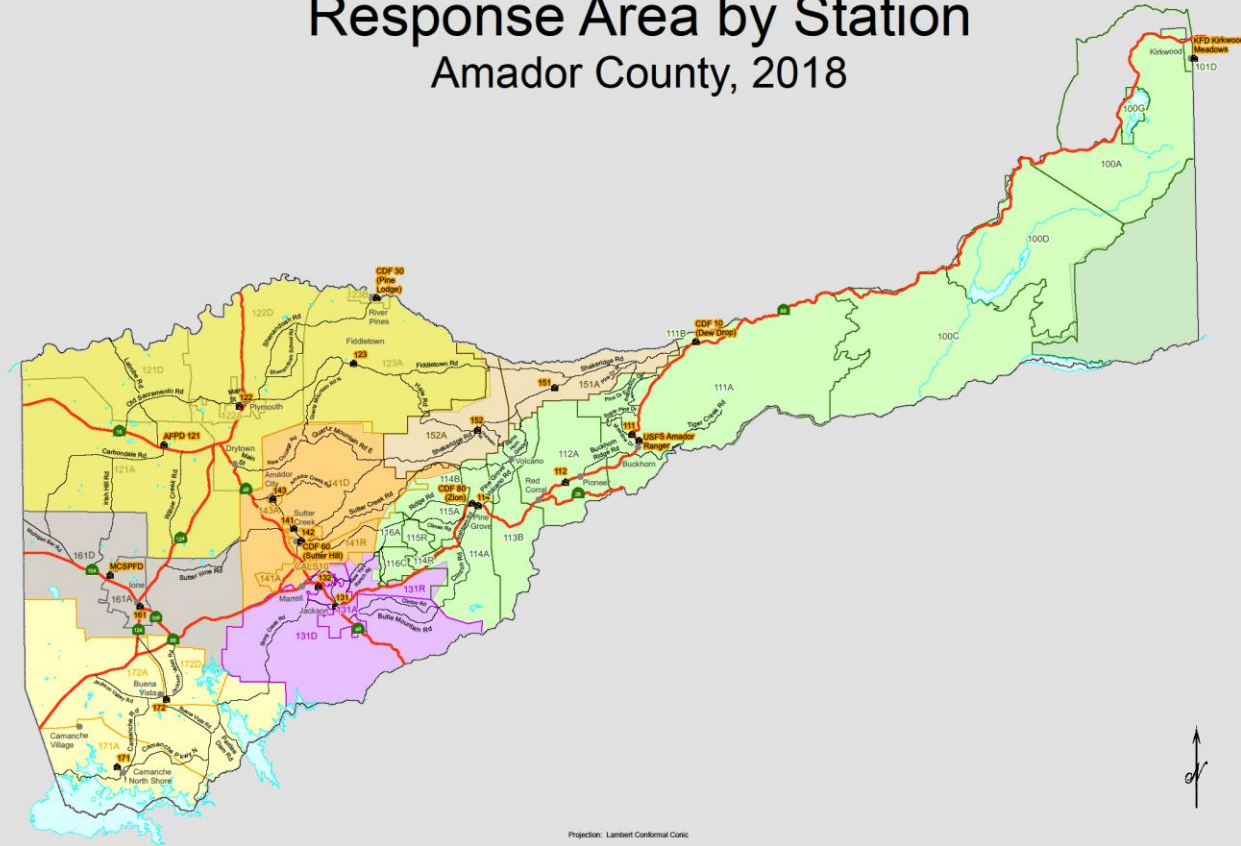
  
Deputy

## APPENDIX C

### **FIRE MAP (Before Area 118)**

# Response Area by Station

## Amador County, 2018



- Station Response Area**
- AFPD Bat 10
  - AFPD Bat 20
  - Ione FD
  - Jackson FD
  - JVFDP
  - LFPD
  - SCFPD
  - Fire Station
- Fire Department Response Area**
- AFPD Battalion 10
  - AFPD Battalion 20
  - Ione Fire Department
  - Jackson Fire Department
  - Jackson Valley FPD
  - Lockwood FPD
  - Sutter Creek FPD
  - US Forest Service
- Map Symbols**
- Amador County Boundary
  - City or Community
  - State Highway
  - Primary Road
  - WaterBody
  - River



Projection: Lambert Conformal Conic

0.5 4.75 0 8.5 Miles

Price Hardware & Associates, LLC assumes no responsibility arising from use of this data. The maps and associated data are provided on an "AS IS" basis, without warranty of any kind, either expressed or implied, including but not limited to fitness for a particular purpose. Price Hardware & Associates, LLC assumes no liability for damages arising from errors or omissions.

## APPENDIX D

### **FIRE MAP (Including Area 118)**

# Amador Fire Protection District Response Area

**Station Response Area**

The Station Response Area layer is modified from original data acquired from CALFIRE December 18, 2018 and prepared for Amador Fire Protection District using current data obtained from Amador County Transportation Commission GIS for Amador County LAFCD.

These data include city limits and an updated Jackson Valley Fire Protection District Boundary.

Boundaries derived from City Limits layer are pending final state review from the State Board of Equalization.

- Fire Department**
- AFPD Battalion 10
  - AFPD Battalion 20
  - AFPD Battalion 30
  - CALFIRE (Bassett Vista Rancheria)
  - Irona Fire Protection District
  - Jackson Fire Department
  - Jackson Valley Fire Protection District
  - Lockwood Fire Protection District
  - Sutter Creek Fire Protection District\*\*
  - United States Forest Service

The Fire Department layer is modified from original data acquired from Amador County GIS and prepared for Amador Fire Protection District using current data obtained from Amador County Transportation Commission (GIS for Amador County LAFCD). These data include city limits, parcel data and an updated Jackson Valley Fire Protection District Boundary.

Lockwood Fire Protection District Boundary is pending review and subject to minor adjustments.

\*\*Sutter Creek Fire Protection District is pending review by Amador County LAFCD and subject to adjustment.

Boundaries derived from City Limits layer are pending final state review from the State Board of Equalization.

Parcel layer attribution for Fire District is under review by ACTIC GIS and is not complete. Review by Amador County LAFCD is not complete.

- Road**
- State Highway
  - County Route
  - Primary Road
  - Railroad
  - Waterbody

**Original Data Sources:**

- AEU Station Response - CALFIRE acquired from Cpt Marc Chadderton December 18, 2018
- City Limits, Parcel - Amador County Transportation Commission (ACTIC) GIS, acquired from GIS Coordinator Cindy Engel April 23, 2019
- Jackson Valley Fire Protection District - ACTIC GIS, acquired from GIS Coordinator Cindy Engel April 5, 2019
- Fire Districts, Roads, Waterbody - Amador County GIS, January, 2011

Amador Fire Protection District and/or City Limits & Response Area layers are not responsible for any errors or omissions in the data. The user will determine the accuracy of the data. The user will determine the accuracy of the data. The user will determine the accuracy of the data. The user will determine the accuracy of the data.

